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Continued in the end of this volume.

M. TULLII CICERONIS

DE OFFICIIS

LIBRI TRES.

WITH ENGLISH NOTES,

CHIEFLY SELECTED AND TRANSLATED FROM THE EDITIONS OF
ZUMPT AND BONNELL,

BY

THOMAS A. THACHER,
ASSISTANT PROFESSOR OF LATIN IN YALE COLLEGE

NEW-YORK:
D. APPLETON & CO., 346 & 348 BROADWAY.
M.DCCC.LIX.

PREFACE

THE text of this edition is that of Zumpt, as it is found in his smaller edition,* varied in a very few instances on the authority of Beier, Orelli, and Bonnell, and of Zumpt himself. The deviations from Zumpt's text are generally, if not in every case, accounted for in the notes.

The notes are derived chiefly from the editions of Zumpt and Bonnell;† which contain, besides their own, the valuable remarks and explanations of the Heusingers and of Degen. Beier and Gernhard have also been frequently consulted, and especially the notes and treatises of Garve, who discusses so thoroughly, and in so lucid a manner, the ideas contained in this work of Cicero. There is an occasional reference also to the edition of Stuerenburg, to the German interpretation and notes of Dr. A. W. Zumpt, and to the review of Bonnell in the Neue Jahrbücher, numbers 2 and 3, of the 55th volume. The reader has been referred to Freund's Latin Lexicon, without any citation of the information required, because it is understood that an American edition of that excellent work, prepared under the superintendence of a mature and reliable scholar, is soon to be presented to the public.

The present edition does not profess to contain all the notes of the commentators named above, who have labored on this work, nor indeed the great body of them. As a general thing, all biographical and historical notes have been omitted. It was thought that learners in this country were so well supplied with books of reference, containing at considerable length the information necessary for the elucidation of the text, that it was better to allow them to consult their manuals themselves, than to furnish them with explanations necessarily more

* M. Tullii Ciceronis de Officiis libri tres. Cum selectis Jo. Mich. et Jac. Frid. Heusingerorum suisque notis, scholarum in usum, edidit Car. Timoth. Zumptius. Brunsvigae. 1837.

† M. Tullii Ciceronis de Officiis libri tres. Mit einem deutschen Commentar, besonders für Schulen bearbeitet von Joh. Friedr. Degen. Gänzlich nach dem Zeitbedürfnisse sowohl in grammatischer als sachlicher Hinsicht umgearbeitet von Eduard Bonnell, Director und Professor des Friedrichs: Werderschen Gymnasii. Vierte Ausgabe. Berlin, 1848.

scanty. The example of the German editors already named, and indeed of almost all German commentators, can, it is true, be quoted for a different course. But it should be borne in mind that they prepare their works for those who are not supplied with these books of reference. A German commentary is a transcript of the instructions of the class-room, where oral teaching takes the place of silent study, and, to a great extent, supplies the want of manuals. Such a commentary therefore contains all the explanations which its author has been accustomed to give to his class; not only grammatical and critical comments, but those also which pertain to geography, history, biography, and antiquities. It should be observed, however, that German pupils do not, as a general rule, make use of such commentaries, but of the unadorned text of the authors they study. In this edition, a few notes of the historical class spoken of have been introduced, in cases where the dictionaries in common use have not been found to contain the desired information.

The general design of the brief commentary is two-fold: first, to aid the learner in understanding the contents of the treatise, the thoughts and connections of thought of the author; and second, to explain grammatical difficulties, and especially to inculcate a knowledge of grammatical principles. The editor has aimed throughout to guide rather than carry the learner through difficulties, requiring of him more study in consequence of his help, than he would probably have devoted to the book without it. There will be found frequent references to the grammars where there is no difficulty in translating and understanding the author, and that for the mere purpose of informing or reminding the learner of some law of the language. To some these references will undoubtedly seem too numerous. They will seem to leave to the careful student too little opportunity to exercise his own ingenuity, to leave him no difficulties to solve himself. There is much force in this objection, and in the preparation of some works for the use of learners it ought to prevail. But yet, considering the attainments of the great body of students who would be likely to read this book; would not more on the whole be gained by a multiplication of references than by their omission? Besides, numerous as they are, they do not comprise all that are inserted by Zumpt himself in his edition, not a few having been omitted, as unnecessarily directing the attention of the learner to principles, with which, it might be taken for granted, that he was already sufficiently familiar. On this point, therefore, the error, if there is one, is probably on the side of scantiness.

The notes are not all referred to their sources. Of those which are

not thus referred, there are two classes. First, those which are common to several different editions and are uncredited in all, and may therefore be considered common property; second, those which have been added by the American editor. Most of the derived notes, besides being translated, have been very much changed in their form, by being abridged, condensed, and otherwise modified; and in some cases so much so, that it seemed hardly fair to impute the note in its new shape to its real author. Some comments, therefore, will appear to be claimed for this edition as original, which, by suggestion at least, are due to another. But it will be very easy for any one, who has the authors enumerated in the beginning of this preface, to see for himself to what extent the notes are derived from others. A slight comparison will show that the present editor has had little to do, but to use his judgment, in selecting from the abundant materials furnished by able scholars, and in preparing what he should select for American students. No part of the writings of Cicero has been more fortunate than the De Officiis in respect to the preservation and perfecting of its text, nor will it suffer in comparison with any in regard to the ability with which its text has been illustrated and explained. If the book, now, not without diffidence, presented to the public, shall have contributed any thing to make the valuable labors of others more extensively available, its object will have been accomplished. It has been prepared in the midst of other duties, and retarded in its preparation by the repeated and protracted illness of its editor, and might put in a plea for the indulgence which it will doubtless need.

In the first chapter of the second book, Cicero expresses the apprehension, that some good men may find fault with his devotion to philosophy. He vindicates himself, however, by saying that he can no longer benefit the commonwealth by his care and counsels, inasmuch as it is now under the tyrannical control of one man. He must, therefore, give his activity a new direction. To yield to patriotic grief, in view of the sad change in the state, would soon exhaust and prostrate him. To give himself up to pleasures, at such an emergency, would be unworthy of a man of his cultivation. He turns, therefore, to philosophy for relief. It had been a favorite study of his youth, and, in the midst of active life, he had devoted to it what time he could gain from professional and political duties. Nor does he turn to philosophy for relief merely. He is still influenced by patriotic motives; for he has in view the reputation of Rome and the elevation of his countrymen.

But while Cicero thus defends his occupation to the public, he has a private and perhaps a more weighty reason for the composition of this philosophical treatise—a reason which should not be lost sight of in reading it, for it gives a key to the character of the work. The motive referred to is his desire to instruct his son.

He had sent him to Athens to pursue the study of philosophy under Cratippus; but moved by some unfavorable reports respecting his conduct there, he had determined to visit him. A storm interrupted his voyage soon after he had weighed anchor, and drove him back to the shore of Italy, and news from Rome prevented his setting sail again. He wrote this treatise, therefore, as a substitute for the oral counsel which he had intended to give. This fact—the fact that the work is addressed by Cicero to his son—gives direction to the course of thought contained in it. It is not a code of morals for mankind in general, but it is particularly adapted to the circumstances of the son of a distinguished Roman statesman, who might be expected to seek distinction in public life as his father had done. The book, therefore, does not address itself to the middle and lower classes, except as the general principles embodied and discussed in it are applicable to their condition. The examples and illustrations are all drawn from the highest offices in the state and from the highest walks of life. Thus the value of the treatise as a philosophical work is perhaps diminished by the contraction of its scope, while the interest in it is increased by the frequent display of parental regard.

This single remark respecting the design of the work is all that is necessary here by way of introduction. What has been deemed requisite for aid to the learner in understanding its basis and plan, as well as its terms, will be found in the notes.*

New Haven, March, 1850.

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* See Cicero's Bücher von den Pflichten, von Aug. Wilh. Zumpt. Einleitung.

CONSPECTUS

TOTIUS OPERIS CICERONIANI DE OFFICIIS.

LIBER I.

Proœmium ad filium de conjungenda Græcæ Latinæque linguæ facultate, legendisque ea de causa suis libris de philosophia scriptis: cap. 1.
Propositio rei, se de Officiis nunc quidem scripturum, et in ec argumento Stoicos secuturum: cap. 2, § 1–10.
Definitio Officii, de quo his libris acturus sit: esse enim id, quod singulis in rebus spectetur, et quod *medium* sive *commune* dicatur, actionem cujus causa probabilis reddi possit: cap. 2, § 11—cap. 3, § 5.
Divisio tractationis quincuplex: esse enim agendum I. de Honesto, II. de Honestorum comparatione, III. de Utili, IV. de Utilium comparatione, V. de Honesti et Utilis, quæ videatur esse, contentione: cap. 3, § 6—fin. cap.

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Generaliter de natura Honesti in universum: cap. 4.
Divisione facta quadruplici, unde virtutes ducuntur sapientiæ, justitiæ, fortitudinis, temperantiæ, cap. 5.

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2) de *Justitia et Beneficentia* cum illa conjuncta a cap. 7—cap. 18, § 5.

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b) de injustitiæ duobus generibus, inferendæ et non prohibendæ injuriæ: cap. 7, § 7 et 8.
α) de inferenda injuria: a cap. 7, § 9—cap. 8.
β) de prætermittenda defensione justitiæ: cap. 9, § 1—§ 5.

c) Præceptum generale, si quando dubitetur faciendum sit aliquid necne: cap. 9, § 6—fin. cap.

d) de justitia non ad speciem, sed ad consilium referenda.

α) de promissis aliquando non servandis: cap. 10, § 1—§ 7.

β) de malitiosa juris interpretatione: cap. 10, § 8—fin. cap.

e) de justitia adversus inimicos et hostes servanda: cap. 11—cap. 13, § 8.

f) de justitia adversus servos adhibenda: cap. 13, § 9—fin. cap.

B. de *Beneficentia* a cap. 14—cap. 18, § 5.

Ea tres habet cautiones.

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b) ne major sit benignitas quam facultates: cap. 14. § 7—§ 9.

c) ut pro dignitate fiat: cap. 14, § 10—fin. cap.

Neminem omnino esse excludendum, præcipue vero gratiam referendam: cap. 15.

Conjunctionis gradus, et quæ quisque officia benignitatis postulet, recensentur.

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b) ejusdem nationis et civitatis: cap. 17, § 1 et 2.

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b) de eo decoro, quod spectatur in sua cujusque natura tuenda: cap. 30, § 7—cap. 31.
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1) quia, si contra agas, dirumpi generis humani conjunctionem necesse sit, quæ maxime sit secundum naturam: cap. 5.
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M. TULLII CICERONIS

DE OFFICIIS

AD

MARCUM FILIUM.

LIBER PRIMUS.

I. QUAMQUAM te, Marce fili, annum jam audientem Cratippum, idque Athenis, abundare oportet præceptis institutisque philosophiæ, propter summam et doctoris auctoritatem et urbis; quorum alter te scientia augere potest, altera exemplis: tamen, ut ipse ad meam utilitatem semper cum Græcis Latina conjunxi, neque id in philosophia solum, sed etiam in dicendi exercitatione feci; idem tibi censeo faciendum, ut par sis in utriusque orationis facultate. Quam qui- 2
dem ad rem nos, ut videmur, magnum attulimus adjumentum hominibus nostris, ut non modo Græcarum litterarum rudes sed etiam docti aliquantum se arbitrentur adeptos et ad dicendum et ad judicandum. Quam ob rem disces tu qui- 3
dem a principe hujus ætatis philosophorum, et disces, quam diu voles: tam diu autem velle debebis, quoad te, quantum proficias, non pœnitebit: sed tamen nostra legens, non multum a Peripateticis dissidentia, quoniam utrique Socratici et Platonici volumus esse, de rebus ipsis utere tuo judicio, (nihil enim impedio,) orationem autem Latinam efficies profecto legendis nostris pleniorem. Nec vero hoc arroganter 4
dictum existimari velim. Nam philosophandi scientiam concedens multis, quod est oratoris proprium, apte, distincte, ornate dicere, quoniam in eo studio ætatem consumpsi, si

id mihi assumo, videor id meo jure quodam modo vindicare
5 Quam ob rem magnopere te hortor, mi Cicero, ut non so
lum orationes meas, sed hos etiam de philosophia libros,
qui se jam illis fere æquarunt, studiose legas. Vis enim
dicendi major est in illis, sed hoc quoque colendum est
æquabile et temperatum orationis genus.
6 Et id quidem nemini video Græcorum adhuc contigisse,
ut idem utroque in genere elaboraret, sequereturque et illud
forense dicendi, et hoc quietum disputandi genus: nisi forte
Demetrius Phalereus in hoc numero haberi potest, disputator
subtilis, orator parum vehemens, dulcis tamen, ut Theo-
7 phrasti discipulum possis agnoscere. Nos autem quantum
in utroque profecerimus, aliorum sit judicium: utrumque
8 certe secuti sumus. Equidem et Platonem existimo, si genus
forense dicendi tractare voluisset, gravissime et copiosissime
potuisse dicere; et Demosthenem, si illa, quæ a Platone di-
dicerat, tenuisset et pronuntiare voluisset, ornate splendide-
que facere potuisse. Eodemque modo de Aristotele et Iso-
crate judico: quorum uterque suo studio delectatus con-
tempsit alterum.

II. Sed cum statuissem scribere ad te aliquid hoc tem-
pore, multa posthac, ab eo ordiri maxime volui, quod et ætati
2 tuæ esset aptissimum, et auctoritati meæ. Nam cum multa
sint in philosophia et gravia et utilia accurate copioseque a
philosophis disputata: latissime patere videntur ea, quæ de
3 officiis tradita ab illis et præcepta sunt. Nulla enim vitæ
pars neque publicis, neque privatis, neque forensibus, neque
domesticis in rebus; neque si tecum agas quid, neque si cum
altero contrahas, vacare officio potest: in eoque et colendo
sita vitæ est honestas omnis, et in negligendo turpitudo.
4 Atque hæc quidem quæstio communis est omnium philoso-
phorum. Quis est enim, qui nullis officii præceptis tradendis
5 philosophum se audeat dicere? Sed sunt nonnullæ disci-
plinæ, quæ propositis bonorum et malorum finibus officium
6 omne pervertunt. Nam qui summum bonum sic instituit, ut
nihil habeat cum virtute conjunctum, idque suis commodis,

non honestate metitur; hic si sibi ipse consentiat et non in-
terdum naturæ bonitate vincatur, neque amicitiam colere
possit, nec justitiam, nec liberalitatem. Fortis vero dolorem
summum malum judicans, aut temperans voluptatem sum-
mum bonum statuens esse certe nullo modo potest. Quæ 7
quamquam ita sint in promptu, ut res disputatione non egeat,
tamen sunt a nobis alio loco disputata. Hæ disciplinæ igitur 8
si sibi consentaneæ velint esse, de officio nihil queant dicere.
Neque ulla officii præcepta firma, stabilia, conjuncta natu-
ræ tradi possunt, nisi aut ab iis, qui solam, aut ab iis,
qui maxime honestatem propter se dicant expetendam. Ita 9
propria est ea præceptio Stoicorum, Academicorum, Peri-
pateticorum: quoniam Aristonis, Pyrrhonis, Herilli jam pri-
dem explosa sententia est: qui tamen haberent jus suum
disputandi de officio, si rerum aliquem delectum reliquis-
sent, ut ad officii inventionem aditus esset. Sequimur 10
igitur, hoc quidem tempore et hac in quæstione, potissi-
mum Stoicos, non ut interpretes; sed, ut solemus, e fontibus
eorum judicio arbitrioque nostro, quantum quoque modo
videbitur, hauriemus.

Placet igitur, quoniam omnis disputatio de officio futura 11
est, ante definire, quid sit officium: quod a Panæ-
tio prætermissum esse miror. Omnis enim, quæ a ratione 12
suscipitur de aliqua re institutio, debet a definitione profi-
cisci, ut intelligatur, quid sit id, de quo disputetur.

III. Omnis de officio duplex est quæstio. Unum genus
est, quod pertinet ad finem bonorum: alterum, quod posi-
tum est in præceptis, quibus in omnes partes usus vitæ con-
formari possit. Superioris generis hujus modi exempla sunt; 2
omniane officia perfecta sint; numquid officium aliud alio
majus sit, et quæ sunt generis ejusdem. Quorum autem 3
officiorum præcepta traduntur, ea quamquam pertinent ad
finem bonorum, tamen minus id apparet, quia magis ad in-
stitutionem vitæ communis spectare videntur: de quibus est
nobis his libris explicandum.

Atque etiam alia divisio est officii. Nam et medium 4

quoddam officium dicitur, et perfectum. Perfectum officium rectum, opinor, vocemus, quod Græci κατόρθωμα, hoc
5 autem commune officium vocant. Atque ea sic definiunt, ut rectum quod sit, id officium perfectum esse definiant; medium autem officium id esse dicunt, quod cur factum sit, ratio probabilis reddi possit.

6 Triplex igitur est, ut Panætio videtur, consilii capiendi deliberatio. Nam aut honestumne factu sit, an turpe, dubitant, id, quod in deliberationem cadit; in quo considerando
7 sæpe animi in contrarias sententias distrahuntur. Tum autem aut anquirunt, aut consultant, ad vitæ commoditatem jucunditatemque, ad facultates rerum atque copias, ad opes, ad potentiam, quibus et se possint juvare et suos, conducat id necne, de quo deliberant: quæ deliberatio omnis in ra-
8 tionem utilitatis cadit. Tertium dubitandi genus est, cum pugnare videtur cum honesto id, quod videtur esse utile. Cum enim utilitas ad se rapere, honestas contra revocare ad se videtur, fit, ut distrahatur in deliberando animus, afferat-
9 que ancipitem curam cogitandi. Hac divisione, cum præterire aliquid maximum vitium in dividendo sit, duo prætermissa sunt. Nec enim solum, utrum honestum, an turpe sit, deliberari solet; sed etiam, duobus propositis honestis, utrum honestius; itemque, duobus propositis utilibus, utrum
10 utilius. Ita, quam ille triplicem putavit esse rationem, in quinque partes distribui debere reperitur. Primum igitur est de honesto, sed dupliciter, tum pari ratione de utili, post de comparatione eorum disserendum.

IV. Principio generi animantium omni est a natura tributum, ut se, vitam corpusque tueatur, declinetque ea, quæ nocitura videantur, omniaque, quæ sint ad vivendum necessaria, anquirat et paret, ut pastum, ut latibula, ut alia
2 generis ejusdem. Commune autem animantium omnium est conjunctionis appetitus procreandi causa, et cura quædam
3 eorum, quæ procreata sunt. Sed inter hominem et beluam hoc maxime interest, quod hæc tantum, quantum sensu movetur, ad id solum, quod adest quodque præsens est,

se accommodat, paulum admodum sentiens præteritum aut
futurum. Homo autem, quod rationis est particeps, per
quam consequentia cernit, causas rerum videt, earumque
progressus et quasi antecessiones non ignorat, similitudines
comparat, rebusque præsentibus adjungit atque adnectit fu-
turas; facile totius vitæ cursum videt, ad eamque degendam
præparat res necessarias. Eademque natura vi rationis ho- 4
minem conciliat homini et ad orationis et ad vitæ societa-
tem, ingeneratquė in primis præcipuum quemdam amorem
in eos, qui procreati sunt, impellitque, ut hominum cœtus
et celebrationes et esse, et a se obiri velit, ob easque causas
studeat parare ea, quæ suppeditent et ad cultum et ad
victum, nec sibi soli, sed conjugi, liberis, ceterisque, quos
caros habeat tuerique debeat. Quæ cura exsuscitat etiam
animos et majores ad rem gerendam facit. In primisque 5
hominis est propria veri inquisitio atque investigatio. Itaque
cum sumus necessariis negotiis curisque vacui, tum avemus
aliquid videre, audire, addiscere: cognitionemque rerum aut
occultarum aut admirabilium ad beate vivendum necessariam
ducimus. Ex quo intelligitur, quod verum, simplex sin-
cerumque sit, id esse naturæ hominis aptissimum. Huic 6
veri videndi cupiditati adjuncta est appetitio quædam prin-
cipatus, ut nemini parere animus bene informatus a natura
velit, nisi præcipienti, aut docenti, aut utilitatis causa juste
et legitime imperanti: ex quo magnitudo animi existit hu-
manarumque rerum contemptio. Nec vero illa parva vis 7
naturæ est rationisque, quod unum hoc animal sentit, quid
sit ordo, quid sit, quod deceat, in factis dictisque qui modus.
Itaque eorum ipsorum, quæ aspectu sentiuntur, nullum
aliud animal pulchritudinem, venustatem, convenientiam
partium sentit. Quam similitudinem natura ratioque ab 8
oculis ad animum transferens, multo etiam magis pulchri-
tudinem, constantiam, ordinem in consiliis factisque conser-
vandum putat, cavetque, ne quid indecore effeminateve fa-
ciat; tum in omnibus et opinionibus et factis, ne quid libi-
dinose aut faciat aut cogitet. Quibus ex rebus conflatur 9
et efficitur id, quod quærimus, honestum: quod, etiamsi

nobilitatum non sit, tamen honestum est; quodque vere
dicimus, etiamsi a nullo laudetur, natura esse laudabile

V. Formam quidem ipsam, Marce fili, et tamquam faciem
honesti vides: quæ, si oculis cerneretur, mirabiles amores,
2 ut ait Plato, excitaret sapientiæ. Sed omne, quod est
honestum, id quattuor partium oritur ex aliqua. Aut enim
in perspicientia veri sollertiaque versatur: aut in hominum
societate tuenda, tribuendoque suum cuique, et rerum con-
tractarum fide: aut in animi excelsi atque invicti magnitu-
dine ac robore: aut in omnium, quæ fiunt quæque dicuntur,
3 ordine et modo, in quo inest modestia et temperantia. Quæ
quattuor quamquam inter se colligata atque implicata sunt,
tamen ex singulis certa officiorum genera nascuntur. Velut
ex ea parte, quæ prima descripta est, in qua sapientiam et
prudentiam ponimus, inest indagatio atque inventio veri;
4 ejusque virtutis hoc munus est proprium. Ut enim quisque
maxime perspicit, quid in re quaque verissimum sit, quique
acutissime et celerrime potest et videre et explicare rationem;
5 is prudentissimus et sapientissimus rite haberi solet. Quo-
circa huic, quasi materia, quam tractet et in qua versetur,
subjecta est veritas. Reliquis autem tribus virtutibus neces-
sitates propositæ sunt ad eas res parandas tuendasque, qui-
bus actio vitæ continetur; ut et societas hominum conjunc-
tioque servetur; et animi excellentia magnitudoque, cum in
augendis opibus utilitatibusque et sibi et suis comparandis,
6 tum multo magis in his ipsis despiciendis, eluceat. Ordo
autem, et constantia, et moderatio, et ea, quæ sunt his simi-
lia, versantur in eo genere, ad quod est adhibenda actio
quædam, non solum mentis agitatio. His enim rebus, quæ
tractantur in vita, modum quendam et ordinem adhibentes,
honestatem et decus conservabimus.

VI. Ex quattuor autem locis, in quos honesti naturam vim-
que divisimus, primus ille, qui in *veri cognitione* con-
2 sistit, maxime naturam attingit humanam. Omnes enim
trahimur et ducimur ad cognitionis et scientiæ cupiditatem,

in qua excellere pulchrum putamus: labi autem, errare, ne-
scire, decipi, et malum et turpe ducimus. In hoc genere 3
et naturali et honesto duo vitia vitanda sunt: unum, ne in-
cognita pro cognitis habeamus, hisque temere assentiamur.
Quod vitium effugere qui volet, (omnes autem velle debent)
adhibebit ad considerandas res et tempus et diligentiam.
Alterum est vitium, quod quidam nimis magnum studium 4
multamque operam in res obscuras atque difficiles conferunt,
easdemque non necessarias. Quibus vitiis declinatis, quod in 5
rebus honestis et cognitione dignis operæ curæque ponetur
id jure laudabitur: ut in astrologia C. Sulpicium audivimus,
in geometria Sex. Pompeium ipsi cognovimus, multos in dia-
lecticis, plures in jure civili. Quæ omnes artes in veri in- 6
vestigatione versantur, cujus studio a rebus gerendis abduci
contra officium est. Virtutis enim laus omnis in actione con-
sistit: a qua tamen fit intermissio sæpe, multique dantur ad
studia reditus: tum agitatio mentis, quæ nunquam acquies-
cit, potest nos in studiis cognitionis, etiam sine opera nostra,
continere. Omnis autem cogitatio motusque animi aut in 7
consiliis capiendis de rebus honestis et pertinentibus ad bene
beateque vivendum, aut in studiis scientiæ cognitionisque
versabitur. Ac de primo quidem officii fonte diximus.

VII. De tribus autem reliquis latissime patet ea ratio,
qua societas hominum inter ipsos et vitæ quasi communitas
continetur: cujus partes duæ, *justitia*, in qua virtutis
splendor est maximus, ex qua viri boni nominantur; et huic
conjuncta *beneficentia*, quam eandem vel benignitatem
vel liberalitatem appellari licet.

Sed *justitiæ* primum munus est, ut ne cui quis noceat, 2
nisi lacessitus injuria; deinde ut communibus pro commu-
nibus utatur, privatis ut suis. Sunt autem privata nulla 3
natura, sed aut vetere occupatione, ut qui quondam in
vacua venerunt; aut victoria, ut qui bello potiti sunt; aut
lege, pactione, conditione, sorte. Ex quo fit, ut ager Ar-
pinas Arpinatium dicatur, Tusculanus Tusculanorum: simi-
lisque est privatarum possessionum descriptio. Ex quo quia 4

suum cujusque fit eorum, quæ natura fuerant communia,
5 quod cuique obtigit, id quisque teneat. E quo si quis sibi
appetet, violabit jus humanæ societatis. Sed quoniam, ut
præclare scriptum est a Platone, non nobis solum nati su-
mus, ortusque nostri partem patria vindicat, partem amici;
atque, ut placet Stoicis, quæ in terris gignantur, ad usum
hominum omnia creari, homines autem hominum causa esse
generatos, ut ipsi inter se aliis alii prodesse possent: in hoc
naturam debemus ducem sequi, communes utilitates in me-
dium afferre, mutatione officiorum, dando, accipiendo, tum
artibus, tum opera, tum facultatibus, devincire hominum
6 inter homines societatem. Fundamentum autem est justitiæ
fides, id est dictorum conventorumque constantia et veritas.
Ex quo, quamquam hoc videbitur fortasse cuipiam durius,
tamen audeamus imitari Stoicos, qui studiose exquirunt, unde
verba sint ducta; credamusque, quia fiat, quod dictum est,
appellatam fidem.

7 Sed injustitiæ genera duo sunt: unum eorum, qui in-
ferunt; alterum eorum, qui ab iis, quibus infertur, si possunt,
8 non propulsant injuriam. Nam qui injuste impetum in
quempiam facit, aut ira, aut aliqua perturbatione incitatus,
is quasi manus afferre videtur socio: qui autem non defen-
dit, nec obsistit, si potest, injuriæ, tam est in vitio, quam si
parentes aut amicos aut patriam deserat.

9 Atque illæ quidem injuriæ, quæ nocendi causa de indus-
tria inferuntur, sæpe a metu proficiscuntur; cum is, qui
nocere alteri cogitat, timet, ne, nisi id fecerit, ipse aliquo
10 afficiatur incommodo. Maximam autem partem ad injuriam
faciundam aggrediuntur, ut adipiscantur ea, quæ concupive-
runt: in quo vitio latissime patet avaritia. VIII. Expetun-
tur autem divitiæ cum ad usus vitæ necessarios, tum ad
2 perfruendas voluptates. In quibus autem major est animus,
in iis pecuniæ cupiditas spectat ad opes et ad gratificandi
facultatem: ut nuper M. Crassus negabat, ullam satis mag-
nam pecuniam esse ei, qui in re publica princeps vellet esse,
3 cujus fructibus exercitum alere non posset. Delectant etiam
magnifici apparatus vitæque cultus cum elegantia et copia.

Quibus rebus effectum est, ut infinita pecuniæ cupiditas
esset. Nec vero rei familiaris amplificatio, nemini nocens, 4
vituperanda est: sed fugienda semper injuria est. Maxime 5
autem adducuntur plerique, ut eos justitiæ capiat oblivio,
cum in imperiorum, honorum, gloriæ cupiditatem inciderunt.
Quod enim est apud Ennium, 6

nulla sancta societas,
nec fides regni est;

id latius patet. Nam quicquid ejusmodi est, in quo non possint plures excellere, in eo fit plerumque tanta contentio, ut
difficillimum sit servare sanctam societatem. Declaravit id 7
modo temeritas C. Cæsaris, qui omnia jura divina atque humana pervertit propter eum, quem sibi ipse opinionis errore
finxerat, principatum. Est autem in hoc genere molestum, 8
quod in maximis animis splendidissimisque ingeniis plerumque existunt honoris, imperii, potentiæ, gloriæ cupiditates.
Quo magis cavendum est, ne quid in eo genere peccetur. 9
Sed in omni injustitia permultum interest, utrum perturbatione aliqua animi, quæ plerumque brevis est et ad tempus,
an consulto et cogitata fiat injuria. Leviora enim sunt ea, 10
quæ repentino aliquo motu accidunt, quam ea, quæ meditata et præparata inferuntur. Ac de inferenda quidem injuria satis dictum est.

IX. Prætermittendæ autem defensionis, deserendique officii plures solent esse causæ. Nam aut inimicitias, aut laborem, aut sumptus suscipere nolunt; aut etiam negligentia, pigritia, inertia; aut suis studiis quibusdam occupationibusve sic impediuntur, ut eos, quos tutari debeant, desertos
esse patiantur. Itaque videndum est, ne non satis sit id, 2
quod apud Platonem est in philosophos dictum: quod in veri investigatione versentur, quodque ea, quæ plerique vehementer expetant, de quibus inter se digladiari soleant, con-
temnant et pro nihilo putent, propterea justos esse. Nam 3
alterum justitiæ genus assequuntur, in inferenda ne cui no- 4
ceant injuria; in alterum incidunt: discendi enim studio im-

pediti, quos tueri debent, deserunt. Itaque eos ne ad rem
publicam accessuros quidem putat, nisi coactos. Æquius
autem erat, id voluntate fieri. Nam hoc ipsum ita justum
5 est, quod recte fit, si est voluntarium. Sunt etiam, qui aut
studio rei familiaris tuendæ, aut odio quodam hominum,
suum se negotium agere dicant, ne facere cuiquam videantur
injuriam: qui altero genere injustitiæ vacant, in alterum in-
currunt. Deserunt enim vitæ societatem, quia nihil con-
ferunt in eam studii, nihil operæ, nihil facultatum.

6 Quando igitur duobus generibus injustitiæ propositis, ad-
junximus causas utriusque generis, easque res ante constitui-
mus, quibus justitia contineretur: facile, quod cujusque
temporis officium sit, poterimus, nisi nosmetipsos valde ama-
7 bimus, judicare. Est enim difficilis cura rerum alienarum.
Quamquam Terentianus ille Chremes humani nihil a se alie-
num putat. Sed tamen quia magis ea percipimus atque sen-
timus, quæ nobis ipsis aut prospera aut adversa eveniunt,
quam illa, quæ ceteris, quæ quasi longo intervallo inter-
8 jecto videmus: aliter de illis, ac de nobis, judicamus. Quo-
circa bene praecipiunt, qui vetant quicquam agere, quod
dubites æquum sit, an iniquum. Æquitas enim lucet ipsa
per se, dubitatio cogitationem significat injuriæ.

X. Sed incidunt sæpe tempora, cum ea, quæ maxime
videntur digna esse justo homine, eoque, quem virum bonum
dicimus, commutantur fiuntque contraria, ut reddere depo-
situm, facere promissum: quæque pertinent ad veritatem et
2 ad fidem, ea migrare interdum et non servare fit justum. Re-
ferri enim decet ad ea, quæ posui principio, fundamenta justi-
tiae: primum, ut ne cui noceatur; deinde, ut communi utili-
3 tati serviatur. Ea cum tempore commutantur, commutatur
officium, et non semper est idem. Potest enim accidere
promissum aliquod et conventum, ut id effici sit inutile vel ei,
4 cui promissum sit, vel ei, qui promiserit. Nam si, ut in
fabulis est, Neptunus, quod Theseo promiserat, non fecisset,
Theseus Hippolyto filio non esset orbatus. Ex tribus enim
optatis, ut scribitur, hoc erat tertium, quod de Hippolyti

interitu iratus optavit; quo impetrato, in maximos luctus
incidit. Nec promissa igitur servanda sunt ea, quæ sint 5
iis, quibus promiseris, inutilia: nec si plus tibi ea noceant,
quam illi prosint, cui promiseris, contra officium est, majus
anteponi minori. Ut, si constitueris cuipiam te advocatum 6
in rem præsentem esse venturum, atque interim graviter
ægrotare filius cœperit, non sit contra officium, non facere,
quod dixeris; magisque ille, cui promissum sit, ab officio
discedat, si se destitutum queratur. Jam illis promissis 7
standum non esse, quis non videt, quæ coactus quis metu,
quæ deceptus dolo promiserit? Quæ quidem pleraque
jure prætorio liberantur, nonnulla legibus.

Existunt etiam sæpe injuriæ calumnia quadam et nimis 8
callida sed malitiosa juris interpretatione. Ex quo illud,
summum jus, summa injuria, factum est jam tritum sermone
proverbium. Quo in genere etiam in re publica multa pec- 9
cantur: ut ille, qui, cum triginta dierum essent cum hoste
indutiæ factæ, noctu populabatur agros, quod dierum essent
pactæ, non noctium indutiæ. Ne noster quidem probandus, 10
si verum est, Q. Fabium Labeonem seu quem alium (nihil
enim habeo præter auditum) arbitrum Nolanis et Neapolita-
nis de finibus a senatu datum, cum ad locum venisset, cum
utrisque separatim locutum, ne cupide quid agerent, ne ap-
petenter; atque ut regredi, quam progredi mallent. Id cum 11
utrique fecissent, aliquantum agri in medio relictum est.
Itaque illorum fines sic, ut ipsi dixerant, terminavit; in
medio relictum quod erat, populo Romano adjudicavit.
Decipere hoc quidem est, non judicare. Quocirca in omni
re fugienda est talis sollertia.

XI. Sunt autem quædam officia etiam *adversus eos*
servanda, a *quibus injuriam acceperis*. Est enim
ulciscendi et puniendi modus. Atque haud scio an satis
sit, eum, qui lacessierit, injuriæ suæ pœnitere; ut et ipse
ne quid tale posthac, et ceteri sint ad injuriam tardiores.
Atque in re publica maxime conservanda sunt jura belli. 2
Nam cum sint duo genera decertandi, unum per discepta-

tionem, alterum per vim; cumque illud proprium sit homi-
nis, hoc beluarum: confugiendum est ad posterius, si uti
3 non licet superiore. Quare suscipienda quidem bella sunt
ob eam causam, ut sine injuria in pace vivatur: parta autem
victoria, conservandi ii, qui non crudeles in bello, non im-
4 manes fuerunt. Ut majores nostri Tusculanos, Æquos,
Volscos, Sabinos, Hernicos in civitatem etiam acceperunt:
5 at Carthaginem et Numantiam funditus sustulerunt. Nollem
Corinthum: sed credo aliquid secutos, opportunitatem loci
maxime, ne posset aliquando ad bellum faciendum locus
6 ipse adhortari. Mea quidem sententia, paci, quæ nihil habi-
tura sit insidiarum, semper est consulendum. In quo si
mihi esset obtemperatum, si non optimam, at aliquam rem
7 publicam, quæ nunc nulla est, haberemus. Et cum iis, quos
vi deviceris, consulendum est; tum ii, qui, armis positis, ad
imperatorum fidem confugient, quamvis murum aries per-
8 cusserit, recipiendi. In quo tantopere apud nostros justitia
culta est, ut ii, qui civitates aut nationes devictas bello in
fidem recepissent, earum patroni essent more majorum.
9 Ac belli quidem æquitas sanctissime fetiali populi Ro-
mani jure perscripta est. Ex quo intelligi potest, nullum
bellum esse justum, nisi quod aut rebus repetitis geratur,
10 aut denunciatum ante sit et indictum. Popilius imperator
tenebat provinciam, in cujus exercitu Catonis filius tiro mi-
litabat. Cum autem Popilio videretur unam dimittere legio-
nem, Catonis quoque filium, qui in eadem legione militabat,
11 dimisit. Sed cum amore pugnandi in exercitu remansisset,
Cato ad Popilium scripsit, ut, si eum pateretur in exercitu
remanere, secundo eum obliget militiæ sacramento: quia,
priore amisso, jure cum hostibus pugnare non poterat. Adeo
12 summa erat observatio in bello movendo. Marci quidem
Catonis senis est epistola ad Marcum filium, in qua scribit, se
audisse, eum missum factum esse a consule [cum in Mace-
donia bello Persico miles esset.] Monet igitur, ut caveat,
ne prœlium ineat. Negat enim jus esse, qui miles non sit,
cum hoste pugnare.

XII. Equidem etiam illud animadverto, quod, qui proprio
nomine perduellis esset, is hostis vocaretur, lenitate verbi rei
tristitiam mitigatam. Hostis enim apud majores nostros is
dicebatur, quem nunc peregrinum dicimus. Indicant duode- 2
cim tabulæ, ut, STATUS DIES CUM HOSTE: itemque, ADVER-
SUS HOSTEM ÆTERNA AUCTORITAS. Quid ad hanc mansue- 3
tudinem addi potest, eum, quicum bellum geras, tam molli
nomine appellare? Quamquam id nomen durius effecit jam
vetustas. A peregrino enim recessit, et proprie in eo, qui
arma contra ferret, remansit. Cum vero de imperio de- 4
certatur belloque quæritur gloria, causas omnino subesse
tamen oportet easdem, quas dixi paulo ante justas causas
esse bellorum. Sed ea bella, quibus imperii gloria proposita
est, minus acerbe gerenda sunt. Ut enim cum civiliter con- 5
tendimus, aliter si est inimicus, aliter si competitor, cum
altero certamen honoris et dignitatis est, cum altero capitis
et famæ: sic cum Celtiberis, cum Cimbris bellum, ut cum
inimicis, gerebatur, uter esset, non uter imperaret; cum La-
tinis, Sabinis, Samnitibus, Pœnis, Pyrrho de imperio dimi-
cabatur. Pœni fœdifragi, crudelis Hannibal: reliqui jus-
tiores. Pyrrhi quidem de captivis reddendis illa præclara: 6

Nec mi aurum posco, nec mi pretium dederitis;
Nec cauponantes bellum, sed belligerantes,
Ferro, non auro, vitam cernamus utrique.
Vosne velit, an me regnare hera, quidve ferat, Fors,
Virtute experiamur. Et hoc simul acpite dictum:
Quorum virtuti belli fortuna pepercit,
Eorumdem me libertati parcere certum est.
Dono, ducite, doque volentibus cum magnis dîs.

Regalis sane et digna Æacidarum genere sententia. 7

XIII. Atque etiam si quid singuli temporibus adducti hosti
promiserunt, est in eo ipso fides conservanda. Ut primo 2
Punico bello Regulus captus a Pœnis, cum de captivis com-
mutandis Romam missus esset, jurassetque se rediturum,
primum, ut venit, captivos reddendos in senatu non censuit:
deinde, cum retineretur a propinquis et ab amicis, ad sup-

3 plicium redire maluit, quam fidem hosti datam fallere. [Se-
cundo autem Punico bello, post Cannensem pugnam, quos
decem Hannibal Romam astrictos misit jure jurando se redi-
turos esse, nisi de redimendis iis, qui capti erant, impetras-
sent; eos omnes, censores, quoad quisque eorum vixit, qui
pejerassent, in ærariis reliquerunt. Nec minus illum, qui
4 juris jurandi fraude culpam invenerat. Cum enim Hanni-
balis permissu exisset de castris, rediit paulo post, quod se
5 oblitum nescio quid diceret. Deinde egressus e castris, jure
jurando se solutum putabat. Et erat verbis, re non erat.
6 Semper autem in fide, quid senseris, non quid dixeris, cogi-
7 tandum. Maximum autem exemplum est justitiae in hostem
a majoribus nostris constitutum, cum a Pyrrho perfuga
senatui est pollicitus, se venenum regi daturum, et eum
necaturum. Senatus et C. Fabricius perfugam Pyrrho de-
8 didit. Ita ne hostis quidem et potentis et bellum ultro in-
ferentis interitum cum scelere approbavit.] Ac de bellicis
quidem officiis satis dictum est.

9 Meminerimus autem, etiam adversus infimos justitiam esse
servandam. Est autem infima conditio et fortuna servorum,
quibus non male præcipiunt qui ita jubent uti ut merce-
10 nariis, operam exigendam, justa præbenda. Cum autem
duobus modis, id est aut vi aut fraude, fiat injuria; fraus
quasi vulpeculæ, vis leonis videtur: utrumque homine alie-
11 nissimum, sed fraus odio digna majore. Totius autem inju-
stitiæ nulla capitalior est, quam eorum, qui tum, cum ma-
xime fallunt, id agunt, ut viri boni esse videantur. De justi-
tia satis dictum est.

XIV. Deinceps, ut erat propositum, de beneficentia ac
de liberalitate dicatur; qua quidem nihil est naturæ hominis
2 accommodatius: sed habet multas cautiones. Videndum est
enim primum, ne obsit benignitas, et iis ipsis, quibus be-
nigne videbitur fieri, et ceteris: deinde, ne major benignitas
sit, quam facultates: tum, ut pro dignitate cuique tribuatur.
Id enim est justitiæ fundamentum, ad quam hæc referenda
sunt omnia.

Nam et qui gratificantur cuipiam, quod obsit illi, cui 3
prodesse velle videantur, non benefici, neque liberales, sed
perniciosi assentatores judicandi sunt: et qui aliis nocent, ut
in alios liberales sint, in eadem sunt injustitia, ut si in suam
rem aliena convertant. Sunt autem multi, et quidem cupidi
splendoris et gloriæ, qui eripiunt aliis, quod aliis largiantur.
Hique arbitrantur, se beneficos in suos amicos visum iri, si
locupletent eos quacunque ratione. Id autem tantum abest
officio, ut nihil magis officio possit esse contrarium. Viden- 5
dum est igitur, ut ea liberalitate utamur, quæ prosit amicis,
noceat nemini. Quare L. Sullæ et C. Cæsaris pecuniarum 6
translatio a justis dominis ad alienos non debet liberalis vi-
deri. Nihil est enim liberale, quod non idem justum.

Alter erat locus cautionis, ne benignitas major esset, 7
quam facultates. Quod qui benigniores volunt esse, quam
res patitur, primum in eo peccant, quod injuriosi sunt in
proximos: quas enim copias his et suppeditari æquius est
et relinqui, eas transferunt ad alienos. Inest autem in tali 8
liberalitate cupiditas plerumque rapiendi et auferendi per in-
juriam, ut ad largiendum suppetant copiæ. Videre etiam 9
licet, plerosque non tam natura liberales, quam quadam glo-
ria ductos, ut benefici videantur, facere multa, quæ proficisci
ab ostentatione magis, quam a voluntate videantur. Talis
autem simulatio vanitati est conjunctior, quam aut liberali-
tati aut honestati.

Tertium est propositum, ut in beneficentia delectus esset 10
dignitatis: in quo et mores ejus erunt spectandi, in quem
beneficium conferetur, et animus erga nos, et communitas ac
societas vitæ, et ad nostras utilitates officia ante collata.
Quæ ut concurrant omnia, optabile est; si minus, plures 11
causæ majoresque ponderis plus habebunt.

XV. Quoniam autem vivitur non cum perfectis hominibus planeque sapientibus, sed cum iis, in quibus præclare agitur si sunt simulacra virtutis: etiam hoc intelligendum puto, neminem omnino esse negligendum, in quo aliqua significatio virtutis appareat; colendum autem esse ita quemque maxime.

ut quisque maxime virtutibus his lenioribus erit ornatus,
modestia, temperantia, hac ipsa, de qua multa jam dicta
2 sunt, justitia. Nam fortis animus et magnus, in homine non
perfecto nec sapiente, ferventior plerumque est: illæ virtutes
bonum virum videntur potius attingere. Atque hæc in mo-
3 ribus. De benivolentia autem, quam quisque habeat erga
nos, primum illud est in officio, ut ei plurimum tribuamus,
a quo plurimum diligamur. Sed benivolentiam non ado-
lescentulorum more ardore quodam amoris, sed stabilitate
4 potius et constantia judicemus. Sin erunt merita, ut non
ineunda, sed referenda sit gratia, major quædam cura adhi-
benda est. Nullum enim officium referenda gratia magis
5 necessarium est. Quodsi ea, quæ utenda acceperis, majore
mensura, si modo possis, jubet reddere Hesiodus; quidnam
beneficio provocati facere debemus? An imitari agros fertiles,
6 qui multo plus efferunt, quam acceperunt? Etenim si in eos,
quos speramus nobis profuturos, non dubitamus officia con-
7 ferre; quales in eos esse debemus, qui jam profuerunt? Nam
cum duo genera liberalitatis sint, unum dandi beneficii, al-
terum reddendi: demus, necne, in nostra potestate est; non
reddere, viro bono non licet, modo id facere possit sine
8 injuria. Acceptorum autem beneficiorum sunt delectus ha-
bendi. Nec dubium, quin maximo cuique plurimum debea-
tur. In quo tamen in primis, quo quisque animo, studio,
9 benivolentia fecerit, ponderandum est. Multi enim faciunt
multa temeritate quadam sine judicio, vel morbo in omnes,
vel repentino quodam, quasi vento, impetu animi incitati:
quæ beneficia æque magna non sunt habenda, atque ea,
10 quæ judicio, considerate constanterque delata sunt. Sed in
collocando beneficio, et in referenda gratia, si cetera paria
sunt, hoc maxime officii est, ut quisque maxime opis indi-
geat, ita ei potissimum opitulari. Quod contra fit a pleris-
11 que. A quo enim plurimum sperant, etiamsi is non eget,
tamen ei potissimum inserviunt.

XVI. Optime autem societas hominum conjunctioque ser-
vabitur, si, ut quisque erit conjunctissimus, ita in eum benigni-

tatis plurimum conferetur. Sed, quæ naturæ principia sint 2
communitatis et societatis humanæ, repetendum videtur altius. Est enim primum, quod cernitur in universi generis 3
humani societate; ejus autem vinculum est ratio et oratio, quæ docendo, discendo, communicando, disceptando, judicando conciliat inter se homines, conjungitque naturali quadam societate. Neque ulla re longius absumus a natura fe- 4
rarum, in quibus inesse fortitudinem sæpe dicimus, ut in equis, in leonibus; justitiam, æquitatem, bonitatem non dicimus. Sunt enim rationis et orationis expertes. Ac latis- 5
sime quidem patens hominibus inter ipsos, omnibus inter omnes, societas hæc est; in qua omnium rerum, quas ad communem hominum usum natura genuit, est servanda communitas, ut, quæ descripta sunt legibus et jure civili, hæc ita teneantur, ut sit constitutum, e quibus ipsis cetera sic observentur, ut in Græcorum proverbio est, amicorum esse communia omnia. Omnium autem communia hominum vi- 6
dentur ea, quæ sunt generis eius, quod ab Ennio positum in una re, transferri in multas potest.

Homo, qui erranti comiter monstrat viam,
Quasi lumen de suo lumine accendat, facit.
Nihilo minus ipsi lucet, cum illi accenderit.

Una ex re satis præcipit, ut, quicquid sine detrimento com- 7
modari possit, id tribuatur vel ignoto. Ex quo sunt illa 8
communia, non prohibere aqua profluente; pati ab igne ignem capere, si qui velit; consilium fidele deliberanti dare: quæ sunt iis utilia, qui accipiunt, danti non molesta. Quare et his utendum est, et semper aliquid ad communem utilitatem afferendum. Sed quoniam copiæ parvæ singulorum 9
sunt, eorum autem, qui his egeant, infinita est multitudo: vulgaris liberalitas referenda est ad illum Ennii finem, *nihilo minus ipsi lucet;* ut facultas sit, qua in nostros simus liberales.

XVII. Gradus autem plures sunt societatis hominum. Ut enim ab illa infinita discedatur, propior est ejusdem gentis, nationis, linguæ, qua maxime homines conjunguntur. Interius 2

etiam est ejusdem esse civitatis. Multa enim sunt civibus
inter se communia: forum, fana, porticus, viæ, leges, jura,
judicia, suffragia, consuetudines præterea et familiaritates,
multisque cum multis res rationesque contractæ.

3 Artior vero colligatio est societatis propinquorum. Ab
illa enim immensa societate humani generis in exiguum an-
4 gustumque concluditur. Nam cum sit hoc natura commune
animantium, ut habeant lubidinem procreandi, prima socie-
tas in ipso conjugio est; proxima in liberis; deinde una do-
mus, communia omnia. Id autem est principium urbis, et
5 quasi seminarium rei publicæ. Sequuntur fratrum conjun-
ctiones, post consobrinorum sobrinorumque: qui cum una
domo jàm capi non possint, in alias domos, tamquam in co-
6 lonias, exeunt. Sequuntur connubia et affinitates: ex quibus
etiam plures propinqui. Quæ propagatio et suboles origo
est rerum publicarum. Sanguinis autem conjunctio et beni-
volentia devincit homines et caritate. Magnum est enim ea-
dem habere monumenta majorum, eisdem uti sacris, sepulcra
habere communia.

7 Sed omnium societatum nulla præstantior est, nulla
firmior, quam cum viri boni, moribus similes, sunt familiari-
tate conjuncti. Illud enim honestum (quod sæpe dicimus)
etiam si in alio cernimus, tamen nos movet atque illi, in quo
8 id inesse videtur, amicos facit. Et quamquam omnis virtus
nos ad se allicit facitque, ut eos diligamus, in quibus ipsa
inesse videatur: tamen justitia, et liberalitas id maxime effi-
9 cit. Nihil autem est amabilius nec copulatius, quam morum
similitudo bonorum. In quibus enim eadem studia sunt,
eædem voluntates, in his fit, ut æque quisque altero de-
lectetur, ac se ipso: efficiturque id, quod Pythagoras vult in
10 amicitia, ut unus fiat ex pluribus. Magna etiam illa com-
munitas est, quæ conficitur ex beneficiis ultro et citro datis
acceptisque: quæ et mutua et grata dum sunt, inter quos ea
sunt firma devinciuntur societate.

11 Sed cum omnia ratione animoque lustraris, omnium so-
cietatum nulla est gravior, nulla carior, quam ea, quæ cum
12 re publica est unicuique nostrum. Cari sunt parentes, cari

liberi, propinqui, familiares: sed omnes omnium caritates
patria una complexa est: pro qua quis bonus dubitet mor-
tem oppetere, si ei sit profuturus? Quo est detestabilior 13
istorum immanitas, qui lacerarunt omni scelere patriam, et
in ea funditus delenda occupati et sunt et fuerunt. Sed si 14
contentio quædam et comparatio fiat, quibus plurimum tri-
buendum sit officii, principes sint patria et parentes, quorum
beneficiis maximis obligati sumus: proximi liberi, totaque
domus, quæ spectat in nos solos, neque aliud ullum potest
habere perfugium: deinceps bene convenientes propinqui,
quibuscum communis etiam fortuna plerumque est. Quam 15
ob rem necessaria præsidia vitæ debentur iis maxime, quos
ante dixi: vita autem victusque communis, consilia, sermo-
nes, cohortationes, consolationes, interdum etiam objurgatio-
nes in amicitiis vigent maxime: estque ea jucundissima ami-
citia, quam similitudo morum conjugavit.

XVIII. Sed in his omnibus officiis tribuendis videndum erit,
quid cuique maxime necesse sit, et quid quisque vel sine
nobis aut possit consequi, aut non possit. Ita non iidem 2
erunt necessitudinum gradus, qui temporum; suntque officia,
quæ aliis magis, quam aliis debeantur: ut vicinum citius
adjuveris in fructibus percipiendis, quam aut fratrem, aut
familiarem, at, si lis in judicio sit, propinquum potius et
amicum, quam vicinum defenderis.

Hæc igitur et talia circumspicienda sunt in omni officio, 3
et consuetudo exercitatioque capienda, ut boni ratiocinatores
officiorum esse possimus, et addendo deducendoque videre,
quæ reliqui summa fiat: ex quo, quantum cuique debeatur,
intelligas. Sed ut nec medici nec imperatores nec oratores, 4
quamvis artis præcepta perceperint, quicquam magna laude
dignum sine usu et exercitatione consequi possunt: sic officii
conservandi præcepta traduntur illa quidem, ut facimus ipsi;
sed rei magnitudo usum quoque exercitationemque desiderat.
Atque ab iis rebus, quæ sunt in jure societatis humanæ, 5
quemadmodum ducatur honestum, ex quo aptum est officium,
satis fere diximus.

6 Intelligendum est autem, cum proposita sint genera quattuor, ex quibus honestas officiumque manaret, splendidissimum videri, quod animo magno elatoque human-
7 asque res despiciente factum sit. Itaque in probris maxime in promptu est, si quid tale dici potest:

Vos etenim, juvenes, animum geritis muliebrem,
Illa virago viri.

Et si quid ejusmodi:

Salmaci, da spolia, sine sudore et sanguine.

8 Contraque in laudibus, quæ magno animo fortiter excellenterque gesta sunt, ea nescio quomodo quasi pleniore ore
9 laudamus. Hinc rhetorum campus de Marathone, Salamine, Platæis, Thermopylis, Leuctris: hinc noster Cocles, hinc Decii, hinc Gnæus et Publius Scipiones, hinc M. Marcellus, innumerabiles alii: maximeque ipse populus Romanus animi magnitudine excellit. Declaratur autem studium bellicæ gloriæ, quod statuas quoque videmus ornatu fere militari.

XIX. Sed ea animi elatio, quæ cernitur in periculis et laboribus, si justitia vacat, pugnatque non pro salute communi, sed pro suis commodis, in vitio est. Non enim modo id virtutis non est, sed est potius immanitatis, omnem humani-
2 tatem repellentis. Itaque probe definitur a Stoicis fortitudo, cum eam virtutem esse dicunt propugnantem pro æquitate.
3 Quocirca nemo, qui fortitudinis gloriam consecutus est insidiis et malitia, laudem est adeptus. Nihil honestum esse
4 potest, quod justitia vacat. Præclarum igitur illud Platonis. Non solum, inquit, scientia, quæ est remota ab justitia, calliditas potius, quam sapientia est appellanda: verum etiam animus paratus ad periculum, si sua cupiditate, non utilitate communi impellitur, audaciæ potius nomen habeat, quam
5 fortitudinis. Itaque viros fortes et magnanimos eosdem bonos et simplices, veritatis amicos minimeque fallaces esse volu-
6 mus: quæ sunt ex media laude justitiæ. Sed illud odiosum est, quod in hac elatione et magnitudine animi facillime per-

tinacia et nimia cupiditas principatus innascitur. Ut enim 7
apud Platonem est, omnem morem Lacedæmoniorum in-
flammatum esse cupiditate vincendi: sic, ut quisque animi
magnitudine maxime excellit, ita maxime vult princeps
omnium vel potius solus esse. Difficile autem est, cum 8
præstare omnibus concupieris, servare æquitatem, quæ est
justitiæ maxime propria. Ex quo fit, ut neque disceptatione 9
vinci se nec ullo publico ac legitimo jure patiantur: exi-
stuntque in re publica plerumque largitores et factiosi, ut
opes quam maximas consequantur, et sint vi potius superio-
res, quam justitia pares. Sed quo difficilius, hoc præclarius. 10
Nullum enim est tempus, quod justitia vacare debeat. Fortes 11
igitur et magnanimi sunt habendi, non qui faciunt, sed qui
propulsant injuriam. Vera autem et sapiens animi magnitudo
honestum illud, quod maxime natura sequitur, in factis po-
situm, non in gloria judicat, principemque se esse mavult,
quam videri. Etenim qui ex errore imperitæ multitudinis 12
pendet, hic in magnis viris non est habendus. Facillime au- 13
tem ad res injustas impellitur, ut quisque altissimo animo
est, gloriæ cupiditate. Qui locus est sane lubricus, quod
vix invenitur, qui, laboribus susceptis periculisque aditis, non
quasi mercedem rerum gestarum desideret gloriam.

XX. Omnino fortis animus et magnus duabus rebus maxime
cernitur: quarum una in rerum externarum despicientia po-
nitur, cum persuasum sit, nihil hominem, nisi quod hone-
stum decorumque sit, aut admirari aut optare aut expetere
oportere, nullique neque homini neque perturbationi animi
nec fortunæ succumbere. Altera est res, ut, cum ita sis af- 2
fectus animo, ut supra dixi, res geras magnas illas quidem
et maxime utiles, sed ut vehementer arduas plenasque labo-
rum et periculorum cum vitæ tum multarum rerum, quæ
ad vitam pertinent. Harum rerum duarum splendor omnis, 3
amplitudo, addo etiam utilitatem, in posteriore est: causa
autem et ratio efficiens magnos viros est in priore. In eo est
enim illud, quod excellentes animos et humana contemnen-
tes facit.

4 Id autem ipsum cernitur in duobus, si et solum id, quod
honestum sit, bonum judices, et ab omni animi perturbatione
5 liber sis. Nam et ea, quæ eximia plerisque et præclara vi-
dentur, parva ducere, eaque ratione stabili firmaque con-
temnere, fortis animi magnique ducendum est: et ea, quæ
videntur acerba, quæ multa et varia in hominum vita for-
tunaque versantur, ita ferre, ut nihil a statu naturæ disce-
das, nihil a dignitate sapientis, robusti animi est magnæque
6 constantiæ. Non est autem consentaneum, qui metu non
frangatur, eum frangi cupiditate; nec, qui invictum se a la-
7 bore præstiterit, vinci a voluptate. Quam ob rem et hæc
videnda, et pecuniæ fugienda cupiditas. Nihil enim est tam
angusti animi tamque parvi, quam amare divitias; nihil ho-
nestius magnificentiusque quam pecuniam contemnere, si
non habeas, si habeas, ad beneficentiam liberalitatemque con-
8 ferre. Cavenda etiam est gloriæ cupiditas, ut supra dixi.
Eripit enim libertatem, pro qua magnanimis viris omnis de-
9 bet esse contentio. Nec vero imperia expetenda, ac potius
aut non accipienda interdum, aut deponenda nonnunquam.
10 Vacandum autem omni est animi perturbatione, cum cupi-
ditate et metu, tum etiam ægritudine et voluptate animi et
iracundia; ut tranquillitas animi et securitas adsit, quæ affert
11 cum constantiam, tum etiam dignitatem. Multi autem et
sunt, et fuerunt, qui eam, quam dico, tranquillitatem expe-
tentes, a negotiis publicis se removerint, ad otiumque per-
fugerint. In his et nobilissimi philosophi longeque principes
et quidam homines severi et graves nec populi nec principum
mores ferre potuerunt: vixeruntque nonnulli in agris, de-
12 lectati re sua familiari. His idem propositum fuit, quod re-
gibus, ut ne qua re egerent, ne cui parerent, libertate ute-
rentur: cujus proprium est sic vivere, ut velis.

XXI. Quare, cum hoc commune sit potentiæ cupidorum cum
iis, quos dixi, otiosis: alteri se adipisci id posse arbitrantur,
si opes magnas habeant: alteri, si contenti sint et suo, et
2 parvo. In quo neutrorum omnino contemnenda sententia
est: sed et facilior et tutior et minus aliis gravis aut molesta

vita est otiosorum; fructuosior autem hominum generi et ad
claritatem amplitudinemque aptior eorum, qui se ad rem
publicam et ad magnas res gerendas accommodaverunt. Qua- 3
propter et iis forsitan concedendum sit rem publicam non
capessentibus, qui excellenti ingenio doctrinæ sese dedide-
runt: et iis, qui aut valetudinis imbecilitate aut aliqua gra-
viore causa impediti a re publica recesserunt, cum ejus ad-
ministrandæ potestatem aliis laudemque concederent. Qui- 4
bus autem talis nulla sit causa, si despicere se dicant ea, quæ
plerique mirentur, imperia et magistratus, iis non modo non
laudi, verum etiam vitio dandum puto. Quorum judicium 5
in eo, quod gloriam contemnant et pro nihilo putent, difficile
factu est non probare: sed videntur labores et molestias, tum
offensionum et repulsarum quasi quandam ignominiam timere
et infamiam. Sunt enim, qui in rebus contrariis parum sibi 6
constent: voluptatem severissime contemnant, in dolore sint
molliores: gloriam negligant, frangantur infamia: atque ea
quidem non satis constanter. Sed iis, qui habent a natura
adjumenta rerum gerendarum, abjecta omni cunctatione, ad-
ipiscendi magistratus et gerenda res publica est. Nec enim
aliter aut regi civitas, aut declarari animi magnitudo potest.
Capessentibus autem rem publicam nihil minus, quam phi- 8
losophis, haud scio an magis etiam, et magnificentia et de-
spicientia adhibenda sit rerum humanarum, quam sæpe dico,
et tranquillitas animi atque securitas: si quidem nec anxii
futuri sunt, et cum gravitate constantiaque victuri. Quæ 9
faciliora sunt philosophis, quo minus multa patent in eorum
vita, quæ fortuna feriat, et quo minus multis rebus egent:
et quia, si quid adversi eveniat, tam graviter cadere non
possunt. Quocirca non sine causa majores motus animorum 10
concitantur, majorque efficiendi cura rem publicam gerenti-
bus, quam quietis; quo magis his et magnitudo est animi
adhibenda et vacuitas ab angoribus. Ad rem gerendam au- 11
tem qui accedit, caveat, ne id modo consideret, quam illa
res honesta sit: sed etiam, ut habeat efficiendi facultatem.
In quo ipso considerandum est, ne aut temere desperet 12
propter ignaviam, aut nimis confidat propter cupiditatem.

13 In omnibus autem negotiis, prius quam aggrediare, adhibenda est præparatio diligens.

XXII. Sed cum plerique arbitrentur, res bellicas majores
2 esse, quam u r b a n a s, minuenda est hæc opinio. Multi enim bella sæpe quæsierunt propter gloriæ cupiditatem. Atque id in magnis animis ingeniisque plerumque contingit: eoque magis, si sunt ad rem militarem apti et cupidi bellorum ge-
3 rendorum. Vere autem si volumus judicare, multæ res ex-
4 titerunt urbanæ majores clarioresque quam bellicæ. Quamvis enim Themistocles jure laudetur, et sit ejus nomen, quam Solonis, illustrius, citeturque Salamis clarissimæ testis victoriæ, quæ anteponatur consilio Solonis ei, quo primum constituit Areopagitas: non minus præclarum hoc, quam il-
5 lud judicandum est. Illud enim semel profuit, hoc semper proderit civitati. Hoc consilio leges Atheniensium, hoc ma-
6 jorum instituta servantur. Et Themistocles quidem nihil dixerit, in quo ipse Areopagum adjuverit: at ille vere, ab se adjutum Themistoclem. Est enim bellum gestum consilio
7 senatus ejus, qui a Solone erat constitutus. Licet eadem de Pausania Lysandroque dicere, quorum rebus gestis quamquam imperium Lacedæmoniis [dilatatum] putatur, tamen ne minima quidem ex parte Lycurgi legibus et disciplinæ conferendi sunt. Quin etiam ob has ipsas causas et paren-
8 tiores habuerunt exercitus, et fortiores. Mihi quidem neque, pueris nobis, M. Scaurus C. Mario, neque, cum versaremur in re publica, Q. Catulus Cn. Pompeio cedere videbatur.
9 Parvi enim sunt foris arma, nisi est consilium domi. Nec plus Africanus, singularis et vir et imperator, in excindenda Numantia rei publicæ profuit, quam eodem tempore P. Nasica privatus, cum Ti. Gracchum interemit. Quamquam hæc quidem res non solum ex domestica est ratione: attingit etiam bellicam, quoniam vi manuque confecta est: sed ta-
10 men id ipsum est gestum consilio urbano, sine exercitu. Illud autem optimum est, in quod invadi solere ab improbis et invidis audio:

Cedant arma togæ, concedat laurea laudi.

Ut enim alios omittam, nobis rem publicam gubernantibus, 11
nonne togæ arma cesserunt? neque enim periculum in re
publica fuit gravius unquam, nec majus otium. Ita consiliis 12
diligentiaque nostrâ celeriter de manibus audacissimorum ci-
vium delapsa arma ipsa ceciderunt. Quæ res igitur gesta 13
unquam in bello tanta? qui triumphus conferendus? Licet
enim mihi, Marce fili, apud te gloriari, ad quem et hereditas
hujus gloriæ et factorum imitatio pertinet. Mihi quidem 14
certe vir abundans bellicis laudibus Cn. Pompeius, multis
audientibus, hoc tribuit, ut diceret, frustra se triumphum
tertium deportaturum fuisse, nisi meo in rem publicam bene-
ficio, ubi triumpharet, esset habiturus. Sunt igitur domesti- 15
cæ fortitudines non inferiores militaribus: in quibus plus
etiam, quam in his, operæ studiique ponendum est.

XXIII. Omnino illud honestum, quod ex animo excelso
magnificoque quærimus, animi efficitur, non corporis viribus.
Exercendum tamen corpus et ita afficiendum est, ut obedire
consilio rationique possit in exequendis negotiis et in labore
tolerando. Honestum autem id, quod exquirimus, totum est 2
positum in animi cura et cogitatione: in quo non minorem
utilitatem afferunt, qui togati rei publicæ præsunt, quam
qui bellum gerunt. Itaque eorum consilio sæpe aut non 3
suscepta, aut confecta bella sunt, nonnunquam etiam illata:
ut M. Catonis bellum tertium Punicum, in quo etiam mortui
valuit auctoritas. Quare expetenda quidem magis est decer- 4
nendi ratio, quam decertandi fortitudo: sed cavendum, ne id
bellandi magis fuga, quam utilitatis ratione faciamus. Bellum
autem ita suscipiatur, ut nihil aliud nisi pax quæsita vi-
deatur. Fortis vero et constantis est, non perturbari in re- 5
bus asperis, nec tumultuantem de gradu dejici, ut dicitur;
sed præsenti animo uti et consilio, nec a ratione discedere.
Quamquam hoc animi, illud etiam ingenii magni est, præ- 6
cipere cogitatione futura, et aliquanto ante constituere, quid
accidere possit in utramque partem, et quid agendum sit,
cum quid evenerit; nec committere, ut aliquando dicendum
sit *non putaram*. Hæc sunt opera magni animi et excelsi,

et prudentia consilioque fidentis. Temere autem in acie versari, et manu cum hoste confligere, immane quiddam et beluarum simile est, sed cum tempus necessitasque postulat, decertandum manu est, et mors servituti turpitudinique anteponenda.

XXIV. De evertendis autem diripiendisque urbibus valde
considerandum est, ne quid temere, ne quid crudeliter. Id-
que est viri magni, rebus agitatis, punire sontes, multitudinem
2 conservare, in omni fortuna recta atque honesta retinere. Ut
enim sunt, quemadmodum supra dixi, qui urbanis rebus bel-
licas anteponant: sic reperias multos, quibus periculosa et
calida consilia quietis et cogitatis et splendidiora et majora
videantur. Nunquam omnino periculi fuga committendum
3 est, ut imbelles timidique videamur. Sed fugiendum illud
etiam, ne offeramus nos periculis sine causa: quo esse nihil
4 potest stultius. Quapropter in adeundis periculis consuetudo
imitanda medicorum est, qui leviter ægrotantes leniter cu-
rant, gravioribus autem morbis periculosas curationes et an-
5 cipites adhibere coguntur. Quare in tranquillo tempestatem
adversam optare dementis est, subvenire autem tempestati
quavis ratione sapientis: eoque magis, si plus adipiscare re
6 explicata boni, quam addubitata mali. Periculosæ autem
rerum actiones partim iis sunt, qui eas suscipiunt, partim
rei publicæ. Itemque alii de vita, alii de gloria et benivo-
7 lentia civium in discrimen vocantur. Promptiores igitur de-
bemus esse ad nostra pericula, quam ad communia, dimi-
careque paratius de honore et gloria, quam de ceteris com-
8 modis. Inventi autem multi sunt, qui non modo pecuniam,
sed etiam vitam profundere pro patria parati essent, iidem
gloriæ jacturam ne minimam quidem facere vellent, ne re
9 publica quidem postulante. Ut Callicratidas, qui, cum Lace-
dæmoniorum dux fuisset Peloponnesiaco bello, multaque fe-
cisset egregie, vertit ad extremum omnia, cum consilio non
paruit eorum, qui classem ab Arginussis removendam, nec
cum Atheniensibus dimicandum putabant. Quibus ille re-
spondit, Lacedæmonios, classe illa amissa, aliam parare

posse; se fugere sine suo dedecore non posse. Atque hæc 10
quidem Lacedæmoniis plaga mediocris: illa pestifera, qua, cum Cleombrotus, invidiam timens, temere cum Epaminonda conflixisset, Lacedæmoniorum opes corruerunt. Quanto Q. 11
Maximus melius? de quo Ennius:

Unus homo nobis cunctando restituit rem.
Non ponebat enim rumores ante salutem.
Ergo postque magisque viri nunc gloria claret.

Quod genus peccandi vitandum est etiam in rebus urbanis. 12
Sunt enim, qui, quod sentiunt, etsi optimum sit, tamen invidiæ metu non audent dicere.

XXV. Omnino qui rei publicæ præfuturi sunt duo Platonis præcepta teneant: unum, ut utilitatem civium sic tueantur, ut, quæcunque agunt, ad eam referant, obliti commodorum suorum: alterum, ut totum corpus rei publicæ curent, ne, dum partem aliquam tuentur, reliquas deserant. Ut enim 2
tutela, sic procuratio rei publicæ ad utilitatem eorum, qui commissi sunt, non ad eorum, quibus commissa est, gerenda est. Qui autem parti civium consulunt, partem negligunt, 3
rem perniciosissimam in civitatem inducunt, seditionem atque discordiam: ex quo evenit, ut alii populares, alii studiosi optimi cujusque videantur, pauci universorum. Hinc apud 4
Athenienses magnæ discordiæ: in nostra re publica non solum seditiones, sed etiam pestifera bella civilia: quæ gravis et fortis civis et in re publica dignus principatu fugiet atque oderit, tradetque se totum rei publicæ, neque opes aut potentiam consectabitur, totamque eam sic tuebitur, ut omnibus consulat. Nec vero criminibus falsis in odium aut invidiam 5
quemquam vocabit: omninoque ita justitiæ honestatique adhærescet, ut, dum ea conservet, quamvis graviter offendat, mortemque oppetat potius, quam deserat illa, quæ dixi.

Miserrima omnino est ambitio honorumque contentio: de 6
qua præclare apud eundem est Platonem, similiter facere eos, qui inter se contenderent, uter potius rem publicam administraret, ut si nautæ certarent, quis eorum potissimum gubernaret.

7 Idemque præcipit, ut eos adversarios existimemus, qui
arma contra ferant; non eos, qui suo judicio tueri rem publi-
cam velint: qualis fuit inter P. Africanum, et Q. Metellum
sine acerbitate dissensio.

8 Nec vero audiendi, qui graviter inimicis irascendum puta-
bunt, idque magnanimi et fortis viri esse censebunt. Nihil
enim laudabilius, nihil magno et præclaro viro dignius placa-
9 bilitate atque clementia. In liberis vero populis et in juris
æquabilitate exercenda etiam est facilitas et altitudo animi,
quæ dicitur: ne, si irascamur aut intempestive accedentibus
aut impudenter rogantibus, in morositatem inutilem et odio-
10 sam incidamus. Et tamen ita probanda est mansuetudo atque
clementia, ut adhibeatur rei publicæ causa severitas, sine
11 qua administrari civitas non potest. Omnis autem et ani-
madversio et castigatio contumelia vacare debet: neque ad
ejus, qui punitur aliquem aut verbis castigat, sed ad rei publi-
12 cæ utilitatem referri. Cavendum est etiam, ne major pœna
quam culpa sit, et ne iisdem de causis alii plectantur, alii ne
appellentur quidem. Prohibenda autem maxime est ira in
13 puniendo. Nunquam enim, iratus qui accedet ad pœnam,
mediocritatem illam tenebit, quæ est inter nimium et parum;
quæ placet Peripateticis, et recte placet: modo ne laudarent
14 iracundiam, et dicerent, utiliter a natura datam. Illa vero
omnibus in rebus repudianda est, optandumque, ut ii, qui
præsunt rei publicæ, legum similes sint, quæ ad puniendum
non iracundia, sed æquitate ducuntur.

XXVI. Atque etiam in rebus prosperis et ad voluntatem
nostram fluentibus superbiam magno opere, fastidium arro-
2 gantiamque fugiamus. Nam ut adversas res, sic secundas
immoderate ferre levitatis est: præclaraque est æquabilitas
in omni vita, et idem semper vultus eademque frons, ut de
3 Socrate itemque de C. Lælio accepimus. Philippum quidem,
Macedonum regem, rebus gestis et gloria superatum a filio,
4 facilitate et humanitate video superiorem fuisse. Itaque alter
semper magnus, alter sæpe turpissimus: ut recte præcipere
videantur, qui monent, ut, quanto superiores sumus, tanto

nos geramus summissius. Panætius quidem Africanum, 5
auditorem et familiarem suum, solitum ait dicere, ut equos,
propter crebras contentiones prœliorum ferocitate exsultantes,
domitoribus tradere soleant, ut his facilioribus possint uti
sic homines secundis rebus effrenatos sibique præfidentes
tamquam in gyrum rationis et doctrinæ duci oportere, ut
perspicerent rerum humanarum imbecillitatem varietatemque
fortunæ. Atque etiam in secundissimis rebus maxime est 6
utendum consilio amicorum, hisque major etiam, quam ante,
tribuenda auctoritas. Iisdemque temporibus cavendum est, 7
ne assentatoribus patefaciamus aures, neve adulari nos sinamus: in quo falli facile est. Tales enim nos esse putamus, ut jure laudemur. Ex quo nascuntur innumerabilia peccata, cum homines inflati opinionibus turpiter irridentur, et in maximis versantur erroribus.

Sed hæc quidem hactenus. Illud autem sic est judi- 8
candum, maximas geri res et maximi animi ab iis, qui res
publicas regant, quod earum administratio latissime pateat
ad plurimosque pertineat. Esse autem magni animi et fuisse 9
multos etiam in vita otiosa, qui aut investigarent aut conarentur magna quædam, seseque suarum rerum finibus continerent; aut interjecti inter philosophos et eos, qui rem publicam administrarent, delectarentur re sua familiari, non eam quidem omni ratione exaggerantes, neque excludentes ab ejus usu suos, potiusque et amicis impertientes et rei
publicæ, si quando usus esset. Quæ primum bene parta 10
sit, nullo neque turpi quæstu, neque odioso: tum quam plurimis, modo dignis, se utilem præbeat: deinde augeatur ratione, diligentia, parsimonia, nec libidini potius luxuriæque,
quam liberalitati et beneficentiæ pareat. Hæc præscripta 11
servantem licet magnifice, graviter animoseque vivere, atque etiam simpliciter, fideliter, vitæ hominum amice.

XXVII. Sequitur, ut de una reliqua parte honestatis dicendum sit: in qua *verecundia*, et quasi quidam ornatus vitæ, *temperantia et modestia*, omnisque sedatio

2 perturbationum animi, et rerum modus cernitur. Hoc loco
continetur id, quod dici Latine decorum potest: Græce
enim πρέπον dicitur. Hujus vis ea est, ut ab honesto non
queat separari. Nam et quod decet, honestum est; et quod
3 honestum est, decet. Qualis autem differentia sit honesti
et decori, facilius intelligi, quam explanari potest. Quicquid
est enim, quod deceat, id tum apparet, cum antegressa est
4 honestas. Itaque non solum in hac parte honestatis, de qua
hoc loco disserendum est, sed etiam in tribus superioribus,
5 quid deceat, apparet. Nam et ratione uti atque oratione
prudenter, et agere, quod agas, considerate, omnique in re,
quid sit veri, videre et tueri decet: contraque falli, errare,
labi, decipi tam dedecet, quam delirare et mente esse captum.
6 Et justa omnia decora sunt; injusta contra, ut turpia, sic
indecora. Similis est ratio fortitudinis. Quod enim viriliter
animoque magno fit, id dignum viro et decorum videtur:
7 quod contra, id ut turpe, sic indecorum. Quare pertinet
quidem ad omnem honestatem hoc, quod dico, decorum: et
ita pertinet, ut non recondita quadam ratione cernatur, sed
8 sit in promptu. Est enim quiddam, idque intelligitur in
omni virtute, quod deceat: quod cogitatione magis a virtute
9 potest quam re separari. Ut venustas et pulchritudo corpo-
ris secerni non potest a valetudine: sic hoc, de quo loquimur,
decorum, totum illud quidem est cum virtute confusum, sed
mente et cogitatione distinguitur.

10 Est autem ejus descriptio duplex. Nam et generale
quoddam decorum intelligimus, quod in omni honestate ver-
satur: et aliud huic subjectum, quod pertinet ad singulas
11 partes honestatis. Atque illud superius sic fere definiri solet:
decorum id esse, quod consentaneum sit hominis excellen-
tiae, in eo, in quo natura ejus a reliquis animantibus diffe-
12 rat. Quæ autem pars subjecta generi est, eam sic definiunt,
ut id decorum velint esse, quod ita naturæ consentaneum
sit, ut in eo moderatio et temperantia appareat cum specie
quadam liberali. XXVIII. Hæc ita intelligi possumus ex-
istimare ex eo decoro, quod poëtæ sequuntur: de quo alio

loco plura dici solent. Sed tum servare illud poëtas, quod 2
deceat, dicimus, cum id, quod quaque persona dignum est, et
fit, et dicitur. Ut, si Æacus aut Minos diceret *Oderint, dum*
metuant, aut *Natis sepulcro ipse est parens ;* indecorum vide-
retur, quod eos fuisse justos accepimus. At Atreo dicente,
plausus excitantur. Est enim digna persona oratio. Sed 3
poëtæ, quid quemque deceat, ex persona judicabunt: nobis
autem personam imposuit ipsa natura magna cum excellentia
præstantiaque animantium reliquarum. Quocirca poëtæ, in 4
magna varietate personarum, etiam vitiosis quid conveniat,
et quid deceat, videbunt: nobis autem cum a natura con-
stantiæ, moderationis, temperantiæ, verecundiæ partes da-
tæ sint ; cumque eadem natura doceat non negligere, quem-
admodum nos adversus homines geramus: efficitur, ut et
illud, quod ad omnem honestatem pertinet, decorum, quam
late fusum sit, appareat ; et hoc, quod spectatur in unoquo-
que genere virtutis. Ut enim pulchritudo corporis apta com- 5
positione membrorum movet oculos, et delectat hoc ipso,
quod inter se omnes partes cum quodam lepore consentiunt:
sic hoc decorum, quod elucet in vita, movet approbationem
eorum, quibuscum vivitur, ordine et constantia et modera-
tione dictorum omnium atque factorum. Adhibenda est igitur 6
quædam reverentia adversus homines, et optimi cujusque,
et reliquorum. Nam negligere, quid de se quisque sentiat,
non solum arrogantis est, sed etiam omnino dissoluti. Est 7
autem quod differat, in hominum ratione habenda, inter
justitiam et verecundiam. Justitiæ partes sunt non violare 8
homines, verecundiæ non offendere, in quo maxime perspici-
tur vis decori. His igitur expositis quale sit id, quod decere
dicimus, intellectum puto.

Officium autem, quod ab eo ducitur, hanc primum ha- 9
bet viam, quæ deducit ad convenientiam conservationemque
naturæ: quam si sequemur ducem, nunquam aberrabimus,
sequemurque et id, quod acutum et perspicax natura est ; et
id, quod ad hominum consociationem accommodatum ; et id,
quod vehemens atque forte. Sed maxima vis decori in hac 10

inest parte, de qua disputamus. Neque enim solum corporis,
qui ad naturam apti sunt, sed multo etiam magis animi mo-
11 tus probandi, qui item ad naturam accommodati sunt. Du-
plex est enim vis animorum atque natura: una pars in ap-
petitu posita est, quæ est ὁρμὴ Graece, quæ hominem huc
et illuc rapit: altera in ratione, quæ docet et explanat, quid
faciendum fugiendumve sit. Ita fit, ut ratio præsit, appeti-
tus obtemperet. XXIX. Omnis autem actio vacare debet
temeritate et negligentia: nec vero agere quidquam, cujus
2 non possis causam probabilem reddere. Hæc est enim fere
descriptio officii. Efficiendum autem est, ut appetitus rationi
obediant, eamque neque præcurrant, nec propter pigritiam
aut ignaviam deserant: sintque tranquilli, atque omni animi
3 perturbatione careant. Ex quo elucebit omnis constantia
omnisque moderatio. Nam qui appetitus longius evagantur,
et tamquam exultantes sive cupiendo, sive fugiendo, non satis
a ratione retinentur, ii sine dubio finem et modum transeunt.
Relinquunt enim et abjiciunt obedientiam, nec rationi parent,
cui sunt subjecti lege naturæ: a quibus non modo animi per-
4 turbantur, sed etiam corpora. Licet ora ipsa cernere irato-
rum, aut eorum, qui aut libidine aliqua aut metu commoti
sunt, aut voluptate nimia gestiunt: quorum omnium vultus,
5 voces, motus statusque mutantur. Ex quibus illud intelligi-
tur (ut ad officii formam revertamur) appetitus omnes contra-
hendos sedandosque esse, excitandamque animadversionem
et diligentiam, ut ne quid temere ac fortuito, inconsiderate
negligenterque agamus.

6 Neque enim ita generati a natura sumus, ut ad ludum
et jocum facti esse videamur: ad severitatem potius, et ad
7 quædam studia graviora atque majora. Ludo autem et joco
uti illo quidem licet: sed sicut somno et quietibus ceteris,
8 tum, cum gravibus seriisque rebus satisfecerimus. Ipsumque
genus jocandi non profusum nec immodestum, sed ingenuum
9 et facetum esse debet. Ut enim pueris non omnem ludendi
licentiam damus, sed eam, quæ ab honestatis actionibus non
sit aliena: sic in ipso joco aliquod probi ingenii lumen elu-

ceat. Duplex omnino est jocandi genus: unum illiberale, 10
petulans, flagitiosum, obscœnum; alterum elegans, urbanum,
ingeniosum, facetum. Quo genere non modo Plautus noster 11
et Atticorum antiqua comœdia, sed etiam philosophorum
Socraticorum libri referti sunt; multaque multorum facete
dicta; ut ea, quæ a sene Catone collecta sunt, quæ vocant
ἀποφθέγματα. Facilis igitur est distinctio ingenui et illibe- 12
ralis joci. Alter est, si tempore fit, remisso homine
dignus; alter ne libero quidem, si rerum turpitudini adhibe-
tur verborum obscœnitas. Ludendi etiam est quidam modus 13
retinendus: ut ne nimis omnia profundamus, elatique vo-
luptate in aliquam turpitudinem delabamur. Suppeditant 14
autem et campus noster et studia venandi honesta exempla
ludendi.

XXX. Sed pertinet ad omnem officii quæstionem, semper
in promptu habere, quantum natura hominis pecudibus reli-
quisque beluis antecedat. Illæ nihil sentiunt nisi voluptatem, 2
ad eamque feruntur omni impetu: hominis autem mens di-
scendo alitur et cogitando, semper aliquid aut anquirit aut
agit, videndique et audiendi delectatione ducitur. Quin etiam 3
si quis est paulo ad voluptates propensior, modo ne sit ex
pecudum genere (sunt enim quidam homines non re, sed
nomine,) sed si quis est paulo erectior, quamvis voluptate
capiatur, occultat et dissimulat appetitum voluptatis, propter
verecundiam. Ex quo intelligitur, corporis voluptatem non 4
satis esse dignam hominis præstantia, eamque contemni et
rejici oportere: sin sit quispiam, qui aliquid tribuat voluptati,
diligenter ei tenendum esse ejus fruendæ modum. Itaque 5
victus cultusque corporis ad valetudinem referatur et ad vi-
res, non ad voluptatem. Atque etiam si considerare volu- 6
mus, quæ sit in natura hominis excellentia et dignitas, in-
telligemus, quam sit turpe diffluere luxuria, et delicate ac
molliter vivere: quamque honestum parce, continenter, se-
vere, sobrie.

Intelligendum etiam est, duabus quasi nos a natura indu- 7

tos esse personis: quarum una communis est, ex eo, quod omnes participes sumus rationis præstantiæque ejus, qua antecellimus bestiis, a qua omne honestum decorumque trahitur, et ex qua ratio inveniendi officii exquiritur: altera
8 autem, quæ proprie singulis est tributa. Ut enim in corporibus magnæ dissimilitudines sunt, alios videmus velocitate ad cursum, alios viribus ad luctandum valere; itemque in formis aliis dignitatem inesse, aliis venustatem: sic in animis
9 existunt majores etiam varietates. Erat in L. Crasso, in L. Philippo multus lepos: major etiam magisque de industria in C. Cæsare, L. F. At iisdem temporibus in M. Scauro et in M. Druso adolescente singularis severitas, in C. Lælio multa hilaritas, in ejus familiari Scipione ambitio major, vita tri-
10 stior. De Græcis autem dulcem et facetum, festivique sermonis, atque in omni oratione simulatorem, quem εἴρωνα Græci nominarunt, Socratem accepimus: contra Pythagoram et Periclem summam auctoritatem consecutos sine ulla hila-
11 ritate. Callidum Hannibalem ex Pœnorum, ex nostris ducibus Q. Maximum accepimus facile celare, tacere, dissimu-
12 lare, insidiari, præripere hostium consilia. In quo genere Græci Themistoclem et Pheræum Jasonem ceteris anteponunt; in primisque versutum et callidum factum Solonis, qui, quo et tutior vita ejus esset, et plus aliquanto rei publicæ
13 prodesset, furere se simulavit. Sunt his alii multum dispares, simplices et aperti; qui nihil ex occulto, nihil de insidiis agendum putant, veritatis cultores, fraudis inimici; itemque alii, qui quidvis perpetiantur, cuivis deserviant, dum, quod velint, consequantur: ut Sullam et M. Crassum videbamus.
14 Quo in genere versutissimum et patientissimum Lacedæmonium Lysandrum accepimus; contraque Callicratidam, qui
15 præfectus classis proximus post Lysandrum fuit. Itemque in sermonibus alium, quamvis præpotens sit, efficere, ut unus de multis esse videatur: quod in Catulo, et in patre, et in
16 filio, itemque in Q. Mucio Mancia vidimus. Audivi ex majoribus natu, hoc idem fuisse in P. Scipione Nasica; contraque patrem ejus, illum, qui Ti. Gracchi conatus perditos vindicavit, nullam comitatem habuisse sermonis: ne Xenocratem

quidem, severissimum philosophorum, ob eamque rem ipsam
magnum et clarum fuisse. Innumerabiles aliæ dissimilitu- 17
dines sunt naturæ morumque, minime tamen vituperan-
dorum.

XXXI. Admodum autem tenenda sunt sua cuique, non vi-
tiosa, sed tamen propria, quo facilius decorum illud, quod quæ-
rimus, retineatur. Sic enim est faciendum, ut contra uni- 2
versam naturam nihil contendamus, ea tamen conservata,
propriam naturam sequamur; ut, etiamsi sint alia graviora,
tamen nos studia nostra nostræ naturæ regula metiamur.
Neque enim attinet naturæ repugnare, nec quicquam sequi, 3
quod assequi non queas, (ex quo magis emergit, quale sit
decorum illud,) ideo, quia nihil decet invita Minerva, ut
aiunt, id est, adversante et repugnante natura. Omnino si 4
quicquam est decorum, nihil est profecto magis, quam æqua-
bilitas universæ vitæ, tum singularum actionum; quam con-
servare non possis, si aliorum naturam imitans omittas tuam.
Ut enim sermóne eo debemus uti, qui natus est nobis, ne, 5
ut quidam, Græca verba inculcantes jure optimo rideamur:
sic in actiones omnemque vitam nullam discrepantiam con-
ferre debémus. Atque hæc differentia naturarum tantam ha- 6
bet vim, ut nonnunquam mortem sibi ipse consciscere alius
debeat, alius in eādem causa non debeat. Num enim alia 7
in causa M. Cato fuit, alia ceteri, qui se in Africa Cæsari
tradiderunt? Atqui ceteris forsitan vitio datum esset, si se
interemissent, propterea quod lenior eorum vita et mores
fuerant faciliores: Catoni cum incredibilem tribuisset natura
gravitatem, eamque ipse perpetua constantia roboravisset,
semperque in proposito susceptoque consilio permansisset,
moriendum potius, quam tyranni vultus aspiciendus fuit.
Quam multa passus est Ulixes in illo errore, diuturno, cum 8
et mulieribus (si Circe et Calypso mulieres appellandæ sunt)
inserviret, et in omni sermone omnibus affabilem et jucun-
dum se esse vellet? Domi vero etiam contumelias servorum
ancillarumque pertulit, ut ad id aliquando, quod cupiebat,
veniret. At Ajax, quo animo traditur, millies oppetere mor-

9 tem, quam illa perpeti maluisset. Quæ contemplantes expendere oportebit, quid quisque habeat sui: eaque moderari, nec velle experiri, quam se aliena deceant. Id enim maxime
10 quemque decet, quod est cujusque maxime suum. Suum quisque igitur noscat ingenium, acremque se et bonorum et vitiorum suorum judicem præbeat, ne scenici plus, quam
11 nos, videantur habere prudentiæ. Illi enim non optimas, sed sibi accommodatissimas fabulas eligunt. Qui voce freti sunt, Epigonos Medumque: qui gestu, Melanippam, Clytæmnestram: semper Rupilius, quem ego memini, Antio-
12 pam; non sæpe Æsopus Ajacem. Ergo histrio hoc videbit in scena, non videbit sapiens vir in vita? Ad quas igitur res aptissimi erimus, in iis potissimum elaborabimus. Sin aliquando necessitas nos ad ea detruserit, quæ nostri ingenii non erunt, omnis adhibenda erit cura, meditatio, diligentia, ut ea, si non decore, at quam minime indecore facere pos-
13 simus. Nec tam est enitendum, ut bona, quæ nobis data non sint, sequamur, quam ut vitia fugiamus.

XXXII. Ac duabus his personis, quas supra dixi, tertia adjungitur, quam casus aliqui aut tempus imponit: quarta etiam,
2 quam nobismet ipsi judicio nostro accommodamus. Nam regna, imperia, nobilitates, honores, divitiæ, opes, eaque, quæ sunt his contraria, in casu sita, temporibus gubernan-
3 tur. Ipsi autem gerere quam p e r s o n a m velimus, a nostra voluntate proficiscitur. Itaque se alii ad philosophiam, alii ad jus civile, alii ad eloquentiam applicant; ipsarumque vir-
4 tutum in alia alius mavult excellere. Quorum vero patres aut majores aliqua gloria præstiterunt, ii student plerumque eodem in genere laudis excellere: ut Q. Mucius, P. F., in
5 jure civili; Paulli filius Africanus in re militari. Quidam autem ad eas laudes, quas a patribus acceperunt, addunt aliquam suam: ut hic idem Africanus eloquentia cumulavit bellicam gloriam, quod idem fecit Timotheus, Cononis filius, qui, cum belli laude non inferior fuisset, quam pater, ad
6 eam laudem doctrinæ et ingenii gloriam adjecit. Fit autem interdum ut nonnulli, omissa imitatione majorum, suum

quoddam institutum consequantur: maximeque in eo ple-
rumque elaborant ii, qui magna sibi proponunt, obscuris orti
majoribus. Hæc igitur omnia, cum quærimus, quid doceat, 7
complecti animo et cogitatione debemus.

In primis autem constituendum est, quos nos et quales 8
esse velimus, et in quo genere vitæ: quæ deliberatio est
omnium difficillima. Ineunte enim adolescentia, cum est 9
maxima imbecillitas consilii, tum id sibi quisque genus æta-
tis degendæ constituit, quod maxime adamavit. Itaque ante
implicatur aliquo certo genere cursuque vivendi, quam po-
tuit, quod optimum esset, judicare. Nam quod Herculem 10
Prodicium dicunt (ut est apud Xenophontem) cum primum
pubesceret (quod tempus a natura ad deligendum, quam
quisque viam vivendi sit ingressurus, datum est) exisse in
solitudinem, atque ibi sedentem diu secum multumque du-
bitasse, cum duas cerneret vias, unam Voluptatis, alteram
Virtutis, utram ingredi melius esset; hoc Herculi, Jovis satu 11
edito, potuit fortasse contingere: nobis non item, qui imi-
tamur, quos cuique visum est, atque ad eorum studia insti-
tutaque impellimur; plerumque autem, parentum præceptis 12
imbuti, ad eorum consuetudinem moremque deducimur. Alii
multitudinis judicio feruntur, quæque majori parti pulcher-
rima videntur, ea maxime optant. Nonnulli tamen sive feli- 13
citate quadam, sive bonitate naturæ, sive parentum disci-
plina, rectam vitæ secuti sunt viam. XXXIII. Illud autem
maxime rarum genus est eorum, qui aut excellente ingenii mag-
nitudine, aut præclara eruditione atque doctrina, aut utraque
re ornati, spatium etiam deliberandi habuerunt, quem po-
tissimum vitæ cursum sequi vellent: in qua deliberatione ad 2
suam cujusque naturam consilium est omne revocandum.
Nam cum in omnibus, quæ aguntur, ex eo, quo modo 3
quisque natus est (ut supra dictum est) quid deceat, exqui-
rimus; tum in tota vita constituenda, multo est cura major
adhibenda, ut constare in vitæ perpetuitate possimus no-
bismet ipsis, nec in ullo officio claudicare. Ad hanc autem 4
rationem quoniam maximam vim natura habet, fortuna pro-
ximam; utriusque omnino habenda ratio est in deligendo ge-

5 nere vitæ, sed naturæ magis. Multo enim et firmior est et
constantior: ut fortuna nonnunquam ipsa, mortalis cum im-
6 mortali natura pugnare videatur. Qui igitur ad naturæ suæ
non vitiosæ genus consilium vivendi omne contulerit, is
constantiam teneat (id enim maxime decet) nisi forte se in-
7 tellexerit errasse in deligendo genere vitæ. Quod si accide-
rit (potest autem accidere) facienda morum institutorumque
8 mutatio est. Eam mutationem, si tempora adjuvabunt, faci-
lius commodiusque faciemus. Sin minus; sensim erit pede-
tentimque facienda: ut amicitias, quæ minus delectent et
minus probentur, magis decere censent sapientes sensim dis-
9 suere, quam repente præcidere. Commutato autem genere
vitæ, omni ratione curandum est, ut id bono consilio fecisse
videamur.

10 Sed quoniam paulo ante dictum est, imitandos esse ma-
jores, primum illud exceptum sit, ne vitia sint imitanda.
11 Deinde, si natura non feret, ut quædam imitari possit; (ut
superioris Africani filius, qui hunc Paullo natum adoptavit,
propter infirmitatem valetudinis non tam potuit patris similis
12 esse, quam ille fuerat sui) si igitur non poterit sive causas
defensitare, sive populum concionibus tenere, sive bella ge-
rere: illa tamen præstare debebit, quæ erunt in ipsius po-
testate, justitiam, fidem, liberalitatem, modestiam, temperan-
13 tiam, quo minus ab eo id, quod desit, requiratur. Optima
autem hereditas a patribus traditur liberis, omnique patrimo-
nio præstantior, gloria virtutis rerumque gestarum: cui de
decori esse, nefas et impium judicandum est

XXXIV. Et quoniam officia non eadem disparibus ætati-
bus tribuuntur, aliaque sunt juvenum, alia seniorum: aliquid
2 etiam de hac distinctione dicendum est. Est igitur adolescen-
tis, majores natu vereri, exque his deligere optimos et pro-
batissimos, quorum consilio atque auctoritate nitatur. Ineun-
tis enim ætatis inscitia senum constituenda et regenda pru-
3 dentia est. Maxime autem hæc ætas a libidinibus arcenda
est, exercendaque in labore patientiaque et animi et cor-
poris; ut eorum et in bellicis et in civilibus officiis vigeat

industria. Atque etiam cum relaxare animos et dare se ju- 4
cunditati volent, caveant intemperantiam, meminerint vere-
cundiæ: quod erit facilius, si in ejusmodi quidem rebus
majores natu velint interesse. Senibus autem labores cor- 5
poris minuendi, exercitationes animi etiam augendæ viden-
tur. Danda vero opera, ut et amicos et juventutem et maxime
rem publicam consilio et prudentia quam plurimum adjuvent.
Nihil autem magis cavendum est senectuti, quam ne languori 6
se desidiæque dedat. Luxuria vero cum omni ætati turpis, 7
tum senectuti fœdissima est. Sin autem libidinum etiam
intemperantia accesserit, duplex malum est, quod et ipsa
senectus dedecus concipit, et facit adolescentium impudentio-
rem intemperantiam.

Ac ne illud quidem alienum est, de magistratuum, de 8
privatorum, de civium, de peregrinorum officiis dicere. Est 9
igitur proprium munus magistratus, intelligere, se gerere
personam civitatis, debereque ejus dignitatem et decus susti-
nere, servare leges, jura describere, ea fidei suæ commissa
meminisse. Privatum autem oportet æquo et pari cum civi- 10
bus jure vivere, neque summissum et abjectum, neque se
efferentem: tum in re publica ea velle, quæ tranquilla et
honesta sint. Talem enim solemus et sentire bonum civem,
et dicere. Peregrini autem atque incolæ officium est, nihil 11
præter suum negotium agere, nihil de alio anquirere, mini-
meque esse in aliena re publica curiosum.

Ita fere officia reperientur, cum quæretur, quid deceat, 12
et quid aptum sit personis, temporibus, ætatibus. Nihil est 13
autem, quod tam deceat, quam in omni re gerenda consilio-
que capiendo servare constantiam.

XXXV. Sed quoniam decorum illud in omnibus factis, dic-
tis, in corporis denique motu et statu cernitur, idque positum
est in tribus rebus, formositate, ordine, ornatu ad actionem
apto, difficilibus ad eloquendum, sed satis erit intelligi; in 2
his autem tribus continetur cura etiam illa, ut probemur iis,
quibuscum apud quosque vivamus: his quoque de rebus pauca
dicantur. Principio, corporis nostri magnam natura ipsa vi- 3

detur habuisse rationem : quæ formam nostram reliquamque
figuram, in qua esset species honesta, eam posuit in promptu,
quæ partes autem corporis ad naturæ necessitatem datæ
aspectum essent deformem habituræ atque turpem, eas con-
4 texit atque abdidit. Hanc naturæ tam diligentem fabricam
imitata est hominum verecundia. Quæ enim natura oc-
cultavit, eadem omnes, qui sana mente sunt, removent ab
oculis : ipsique necessitati dant operam ut quam occultissime
pareant : quarumque partium corporis usus sunt necessarii,
eas neque partes neque earum usus suis nominibus appel-
lant : quodque facere turpe non est, modo occulte, id dicere
5 obscœnum est. Itaque nec aperta actio rerum illarum petu-
6 lantia vacat, nec orationis obscœnitas. Nec vero audiendi
sunt Cynici, aut si qui fuerunt Stoici pæne Cynici, qui re-
prehendunt et irrident, quod ea, quæ re turpia non sint,
nominibus ac verbis flagitiosa ducamus : illa autem, quæ tur-
7 pia sint, nominibus appellemus suis. Latrocinari, fraudare,
adulterare, re turpe est, sed dicitur non obscœne : liberis
dare operam, re honestum est, nomine obscœnum : plura-
que in eam sententiam ab eisdem contra verecundiam dispu-
8 tantur. Nos autem naturam sequamur, et ab omni, quod
abhorret ab oculorum auriumque approbatione, fugiamus.
Status, incessus, sessio, accubitio, vultus, oculi, manuum
9 motus, teneant illud decorum. Quibus in rebus duo maxime
sunt fugienda, ne quid effeminatum aut molle, et ne quid
10 durum aut rusticum sit. Nec vero histrionibus oratoribusque
concedendum est, ut iis hæc apta sint, nobis dissoluta.
11 Scenicorum quidem mos tantam habet vetere disciplina vere-
12 cundiam, ut in scenam sine subligaculo prodeat nemo. Ve-
rentur enim, ne, si quo casu evenerit, ut corporis partes
13 quædam aperiantur, aspiciantur non decore. Nostro quidem
more cum parentibus puberes filii, cum soceris generi non
14 lavantur. Retinenda igitur est hujus generis verecundia,
præsertim natura ipsa magistra et duce

XXXVI. Cum autem pulchritudinis duo genera sint,
quorum in altero venustas sit, in altero dignitas ; venustatem

muliebrem ducere debemus, dignitatem virilem. Ergo et a 2
forma removeatur omnis viro non dignus ornatus, et huic
simile vitium in gestu motuque caveatur. Nam et palæstrici 3
motus sunt sæpe odiosiores, et histrionum nonnulli gestus in-
eptiis non vacant; et in utroque genere quæ sunt recta et
simplicia laudantur. Formæ autem dignitas coloris bonitate 4
tuenda est; color exercitationibus corporis. Adhibenda præ- 5
terea munditia est non odiosa neque exquisita nimis, tantum
quæ fugiat agrestem et inhumanam negligentiam. Eadem 6
ratio est habenda vestitus; in quo, sicut in plerisque rebus,
mediocritas optima est. Cavendum autem est, ne aut tardi- 7
tatibus utamur in ingressu mollioribus, ut pomparum ferculis
similes esse videamur; aut in festinationibus suscipiamus ni-
mias celeritates: quæ cum fiunt, anhelitus moventur, vultus
mutantur, ora torquentur; ex quibus magna significatio fit,
non adesse constantiam. Sed multo etiam magis elaboran- 8
dum est, ne animi motus a natura recedant: quod asseque-
mur, si cavebimus, ne in perturbationes atque examinationes
incidamus, et si attentos animos ad decoris conservationem
tenebimus. Motus autem animorum duplices sunt, alteri co- 9
gitationis, alteri appetitus. Cogitatio in vero exquirendo
maxime versatur: appetitus impellit ad agendum. Curandum
est igitur, ut cogitatione ad res quam optimas utamur, appe-
titum rationi obedientem præbeamus.

XXXVII. Et quoniam magna vis orationis est, eaque
duplex, altera contentionis, altera sermonis: contentio discep-
tationibus tribuatur judiciorum, concionum, senatus; sermo
in circulis, disputationibus, congressionibus familiarium verse-
tur, sequatur etiam convivia. Contentionis præcepta rhe- 2
torum sunt; nulla sermonis: quamquam haud scio an possint
hæc quoque esse. Sed discentium studiis inveniuntur magis- 3
tri: huic autem qui studeant, sunt nulli; rhetorum turba re-
ferta omnia. Quamquam, quæ verborum sententiarumque
præcepta sunt, eadem ad sermonem pertinebunt. Sed cum 4
orationis indicem vocem habeamus; in voce autem duo sequa-
mur, ut clara sit, ut suavis: utrumque omnino a natura pe-

tendum est; verum alterum exercitatio augebit, alterum imi-
5 tatio presse loquentium et leniter. Nihil fuit in Catulis, ut
eos exquisito judicio putares uti litterarum, quamquam erant
litterati, sed et alii: hi autem optime uti lingua Latina pu-
6 tabantur. Sonus erat dulcis; litteræ neque expressæ, neque
oppressæ, ne aut obscurum esset, aut putidum. Sine con-
7 tentione vox nec languens, nec canora. Uberior oratio L.
Crassi, nec minus faceta: sed bene loquendi de Catulis
8 opinio non minor. Sale vero et facetiis Cæsar, Catuli patris
frater, vicit omnes, ut in illo ipso forensi genere dicendi
9 contentiones aliorum sermone vinceret. In omnibus igitur
his elaborandum est, si in omni re, quid deceat, exquirimus.
10 Sit ergo hic sermo, in quo Socratici maxime excellunt, lenis
minimeque pertinax: insit in eo lepos. Nec vero, tamquam
11 in possessionem suam venerit, excludat alios: sed cum reli-
quis in rebus, tum in sermone communi, vicissitudinem non
12 iniquam putet. Ac videat in primis, quibus de rebus loqua
13 tur: si seriis, severitatem adhibeat; si jocosis, leporem. In
primisque provideat, ne sermo vitium aliquod indicet inesse
in moribus: quod maxime tum solet evenire, cum studiose
de absentibus detrahendi causa, aut per ridiculum, aut severe,
14 maledice contumelioseque dicitur. Habentur autem plerum-
que sermones aut de domesticis negotiis, aut de re publica,
15 aut de artium studiis atque doctrina. Danda igitur opera
est, ut etiam si aberrare ad alia cœperit, ad hæc revocetur
oratio; sed utcunque aderunt: neque enim iisdem de rebus,
16 nec omni tempore, nec similiter delectamur. Animadverten-
dum est etiam, quatenus sermo delectationem habeat, et, ut
incipiendi ratio fuerit, ita sit desinendi modus.

XXXVIII. Sed quomodo in omni vita rectissime praecipitur,
ut perturbationes fugiamus, id est, motus animi nimios, ra-
tioni non obtemperantes; sic ejus modi motibus sermo debet
vacare, ne aut ira existat, aut cupiditas aliqua, aut pigritia,
2 aut ignavia, aut tale aliquid appareat. Maximeque curan-
dum est, ut eos, quibuscum sermonem conferemus, et vereri
3 et diligere videamur. Objurgationes etiam nonnunquam in-

cidunt necessariæ, in quibus utendum est fortasse et vocis
contentione majore et verborum gravitate acriore, id agen-
dum etiam ut ea facere videamur irati: sed ut ad urendum
et secandum, sic ad hoc genus castigandi raro invitique ve-
niemus, nec unquam, nisi necessario, si nulla reperietur
alia medicina. Sed tamen ira procul absit, cum qua nihil
recte fieri, nihil considerate potest. Magnam autem partem 4
clementi castigatione licet uti, gravitate tamen adjuncta, ut et
severitas adhibeatur, et contumelia repellatur. Atque etiam 5
illud ipsum, quod acerbitatis habet objurgatio, significandum
est, ipsius id causa, qui objurgetur, esse susceptum. Rectum 6
est autem etiam in illis contentionibus, quæ cum inimicissi-
mis fiunt, etiamsi nobis indigna audiamus, tamen gravitatem
retinere, iracundiam pellere. Quæ enim cum aliqua pertur- 7
batione fiunt, ea nec constanter fieri possunt, neque iis, qui
adsunt, probari. Deforme etiam est, de se ipsum prædicare, 8
falsa præsertim, et cum irrisione audientium imitari militem
gloriosum.

XXXIX. Et quoniam omnia persequimur, volumus quidem
certe, dicendum est etiam, qualem hominis honorati et princi-
pis domum placeat esse: cujus finis est usus, ad quem ac-
commodanda est ædificandi descriptio, et tamen adhibenda
commoditatis dignitatisque diligentia. Cn. Octavio, qui pri- 2
mus ex illa familia consul factus est, honori fuisse accepimus,
quod præclaram ædificasset in Palatio et plenam dignitatis
domum: quæ cum vulgo viseretur, suffragata domino, novo
homini, ad consulatum putabatur. Hanc Scaurus demolitus 3
accessionem adjunxit ædibus. Itaque ille in suam domum
consulatum primus attulit: hic summi et clarissimi viri filius,
in domum multiplicatam non repulsam solum retulit, sed
ignominiam etiam et calamitatem. Ornanda est enim digni- 4
tas domo, non ex domo tota quærenda: nec domo dominus,
sed domino domus honestanda est. Et ut in ceteris habenda 5
ratio non sua solum, sed etiam aliorum: sic in domo clari
hominis, in quam et hospites multi recipiendi, et admittenda
hominum cujusque modi multitudo, adhibenda cura est laxi-

6 tatis. Aliter ampla domus dedecori sæpe domino fit, si est in ea solitudo, et maxime, si aliquando alio domino solita
7 est frequentari. Odiosum est enim, cum a prætereuntibus dicitur:

O domus antiqua, heu quam dispari
Dominare domino!

8 quod quidem his temporibus in multis licet dicere. Cavendum autem est, præsertim si ipse ædifices, ne extra modum sumptu et magnificentia prodeas: quo in genere multum mali
9 etiam in exemplo est. Studiose enim plerique, præsertim in hanc partem, facta principum imitantur: ut L. Luculli, summi viri, virtutem quis? at quam multi villarum magnificentiam imitati sunt? Quarum quidem certe est adhibendus modus, ad mediocritatemque revocandus. Eademque mediocritas ad omnem usum cultumque vitæ transferenda est. Sed hæc hactenus.

10 In omni autem actione suscipienda tria sunt tenenda: primum, ut appetitus rationi pareat; quo nihil est ad officia conservanda accommodatius: deinde, ut animadvertatur, quanta illa res sit, quam efficere velimus; ut neve major, neve minor cura et opera suscipiatur, quam causa postulet: tertium est, ut caveamus, ut ea, quæ pertinent ad liberalem
11 speciem et dignitatem, moderata sint. Modus autem est optimus, decus ipsum tenere, de quo ante diximus, nec progredi longius. Horum tamen trium præstantissimum est, appetitum obtemperare rationi.

XL. Deinceps de o r d i n e rerum et de o p p o r t u n i t a t e t e m p o r u m dicendum est. Hæc autem scientia continentur ea, quam Græci εὐταξίαν nominant; non hanc, quam interpretamur modestiam, quo in verbo modus inest; sed illa est
2 εὐταξία, in qua intelligitur ordinis conservatio. Itaque, ut eandem nos modestiam appellemus, sic definitur a Stoicis, ut modestia sit scientia earum rerum, quæ agentur aut dicentur,
3 loco suo collocandarum. Ita videtur eadem vis ordinis et collocationis fore. Nam et ordinem sic definiunt, composi-

tionem rerum aptis et accommodatis locis: locum autem
actionis, opportunitatem temporis esse dicunt: tempus autem
actionis opportunum Græce εὐκαιρία, Latine appellatur oc-
casio. Sic fit, ut modestia hæc, quam ita interpretamur, ut 4
dixi, scientia sit opportunitatis idoneorum ad agendum tem-
porum. Sed potest eadem esse prudentiæ definitio, de qua 5
principio diximus: hoc autem loco de moderatione et tem-
perantia et earum similibus virtutibus quærimus. Itaque,
quæ erant prudentiæ propria, suo loco dicta sunt: quæ
autem harum virtutum, de quibus jam diu loquimur, quæ
pertinent ad verecundiam, et ad eorum approbationem, qui-
buscum vivimus, nunc dicenda sunt. Talis est igitur ordo 6
actionum adhibendus, ut, quemadmodum in oratione con-
stanti, sic in vita omnia sint apta inter se et convenientia.
Turpe est enim valdeque vitiosum, in re severa convivii dicta, 7
aut delicatum aliquem inferre sermonem. Bene Pericles, cum 8
haberet collegam in prætura Sophoclem, iique de communi
officio convenissent, et casu formosus puer præteriret, di-
xissetque Sophocles, O puerum pulchrum, Pericle! At enim
prætorem, Sophocle, decet non solum manus, sed etiam
oculos abstinentes habere. Atque hoc idem Sophocles si in
athletarum probatione dixisset, justa reprehensione caruisset:
tanta vis est et loci et temporis. Ut, si qui, cum causam 9
sit acturus, in itinere aut in ambulatione secum ipse medi-
tetur, aut si quid aliud attentius cogitet, non reprehendatur:
at hoc idem si in convivio faciat, inhumanus videatur, insci-
tia temporis. Sed ea, quæ multum ab humanitate discre- 10
pant, ut, si quis in foro cantet, aut si qua est alia magna
perversitas, facile apparent, nec magno opere admonitionem
et præcepta desiderant. Quæ autem parva videntur esse de- 11
licta, neque a multis intelligi possunt, ab iis est diligentius
declinandum. Ut in fidibus aut in tibiis, quamvis paulum 12
discrepent, tamen id a sciente animadverti solet: sic viden-
dum est in vita, ne forte quid discrepet; vel multo etiam
magis, quo major et melior actionum, quam sonorum, con-
centus est. XLI. Itaque, ut in fidibus musicorum aures vel
minima sentiunt: sic nos, si acres ac diligentes esse volumus

animadversores vitiorum, magna sæpe intelligemus ex parvis.
2 Ex oculorum obtutu, ex superciliorum aut remissione aut con-
tractione, ex mœstitia, ex hilaritate, ex risu, ex locutione,
ex reticentia, ex contentione vocis et submissione, ex ceteris
similibus facile judicabimus, quid eorum apte fiat, quid ab
officio naturaque discrepet.

3 Quo in genere non est incommodum, quale quidque eorum
sit, ex aliis judicare, ut, si quid dedeceat in illis, vitemus ipsi.
4 Fit enim nescio quomodo, ut magis in aliis cernamus, quam
5 in nobismet ipsis, si quid delinquitur. Itaque facillime corri-
guntur in discendo, quorum vitia imitantur emendandi causa
magistri.

6 Nec vero alienum est, ad ea eligenda, quæ dubitationem
afferunt, adhibere doctos homines, vel etiam usu peritos, et,
7 quid iis de quoque officii genere placeat, exquirere. Major
enim pars eo fere deferri solet, quo a natura ipsa deducitur.
In quibus videndum est, non modo quid quisque loquatur,
sed etiam quid quisque sentiat, atque etiam qua de causa
8 quisque sentiat. Ut enim pictores, et ii, qui signa fabricantur,
et vero etiam poëtæ, suum quisque opus a vulgo considerari
vult, ut, si quid reprehensum sit a pluribus, id corrigatur;
hique et secum, et cum aliis, quid in eo peccatum sit, exqui-
runt: sic aliorum judicio permulta nobis et facienda, et non
facienda, et mutanda, et corrigenda sunt.

9 Quæ vero more agentur institutisque civilibus, de iis
10 nihil est præcipiendum. Illa enim ipsa præcepta sunt. Nec
quemquam hoc errore duci oportet, ut, si quid Socrates aut
Aristippus contra morem consuetudinemque civilem fecerint,
11 locutive sint, idem sibi arbitretur licere. Magnis illi et divi-
nis bonis hanc licentiam assequebantur. Cynicorum vero
12 ratio tota est ejicienda. Est enim inimica verecundiæ, sine
qua nihil rectum esse potest, nihil honestum. Eos autem,
quorum vita perspecta in rebus honestis atque magnis est,
bene de re publica sentientes, ac bene meritos aut merentes,
sic, ut aliquo honore aut imperio affectos, observare et co-
lere debemus: tribuere etiam multum senectuti: cedere iis,
qui magistratum habebunt: habere delectum civis et pere-

grini: in ipsoque peregrino, privatimne, an publice venerit.
Ad summam, ne agam de singulis, communem totius generis 13
hominum conciliationem et consociationem colere, tueri, ser-
vare debemus.

XLII. Jam de artificiis et quæstibus, qui liberales habendi,
qui sordidi sint, hæc fere accepimus. Primum improbantur 2
ii quæstus, qui in odia hominum incurrunt, ut portitorum,
ut feneratorum. Illiberales autem et sordidi quæstus mer- 3
cenariorum omnium, quorum operæ, non quorum artes emun-
tur. Est enim in illis ipsa merces auctoramentum servitutis.
Sordidi etiam putandi, qui mercantur a mercatoribus, quod 4
statim vendant. Nihil enim proficiant, nisi admodum men-
tiantur; nec vero est quicquam turpius vanitate. Opificesque 5
omnes in sordida arte versantur. Nec enim quicquam inge-
nuum potest habere officina. Minimeque artes eæ proban- 6
dæ, quæ ministræ sunt voluptatum:

Cetarii, lanii, coqui, fartores, piscatores,

ut ait Terentius. Adde huc, si placet, unguentarios, salta-
tores, totumque ludum talarium. Quibus autem artibus aut 7
prudentia major inest, aut non mediocris utilitas quæritur,
ut medicina, ut architectura, ut doctrina rerum honestarum,
hæ sunt iis, quorum ordini conveniunt, honestæ. Merca- 8
tura autem, si tenuis est, sordida putanda est: sin magna et
copiosa, multa undique apportans multisque sine vanitate
impertiens, non est admodum vituperanda. Atque etiam, si 9
satiata quæstu, vel contenta potius, ut sæpe ex alto in por-
tum, ex ipso portu se in agros possessionesque contulerit,
videtur jure optimo posse laudari. Omnium autem rerum, 10
ex quibus aliquid acquiritur, nihil est agri cultura melius,
nihil dulcius, nihil homine, nihil libero dignius. De qua,
quoniam in Catone majore satis multa diximus, illinc assu-
mes, quæ ad hunc locum pertinebunt.

XLIII. Sed ab iis partibus, quæ sunt honestatis, quem ad
modum officia ducerentur, satis expositum videtur. Eorum 2

autem ipsorum, quæ honesta sunt, potest incidere sæpe contentio et comparatio; de duobus honestis utrum honestius:
3 qui locus a Panætio est prætermissus. Nam cum omnis honestas manet a partibus quattuor, quarum una sit cognitionis, altera communitatis, tertia magnanimitatis, quarta moderationis: hæc in deligendo officio sæpe inter se comparentur necesse est.

4 Placet igitur, aptiora esse naturæ ea officia, quæ ex
5 communitate, quam ea, quæ ex cognitione ducantur: idque hoc argumento confirmari potest, quod, si contigerit ea vita sapienti, ut in omnium rerum affluentibus copiis, quamvis omnia, quæ cognitione digna sint, summo otio secum ipse consideret et contempletur: tamen, si solitudo tanta sit, ut
6 hominem videre non possit, excedat e vita. Princepsque omnium virtutum illa sapientia, quam σοφίαν Græci vocant —prudentiam enim, quam Græci φρόνησιν, aliam quandam intelligimus, quæ est rerum expetendarum fugiendarumque
7 scientia; illa autem sapientia, quam principem dixi, rerum est divinarum et humanarum scientia, in qua continetur deorum et hominum communitas, et societas inter ipsos. Ea si maxima est, ut est, certe necesse est, quod a communitate
8 ducatur officium, id esse maximum. Etenim cognitio contemplatioque naturæ manca quodam modo atque inchoata sit, si nulla actio rerum consequatur. Ea autem actio in hominum commodis tuendis maxime cernitur. Pertinet igitur
9 ad societatem generis humani. Ergo hæc cognitioni anteponenda est. Atque id optimus quisque re ipsa ostendit et
10 judicat. Quis enim est tam cupidus in perspicienda cognoscendaque rerum natura, ut, si ei tractanti contemplantique res cognitione dignissimas subito sit allatum periculum discrimenque patriæ, cui subvenire opitularique possit, non illa omnia relinquat atque abjiciat, etiam si dinumerare se stellas aut metiri mundi magnitudinem posse arbitretur? Atque hoc
11 idem in parentis, in amici re aut periculo fecerit. Quibus rebus intelligitur, studiis officiisque scientiæ præponenda esse officia justitiæ, quæ pertinent ad hominum caritatem, qua nihil homini esse debet antiquius.

XLIV. Atque illi, quorum studia vitaque omnis in rerum
cognitione versata est, tamen ab augendis hominum utilitati-
bus et commodis non recesserunt. Nam et erudiverunt mul- 2
tos, quo meliores cives utilioresque rebus suis publicis essent:
ut Thebanum Epaminondam Lysis Pythagoreus, Syracusium
Dionem Plato multique multos: nosque ipsi, quicquid ad
rem publicam attulimus, si modo aliquid attulimus, a docto-
ribus atque doctrina instructi ad eam et ornati accessimus.
Neque solum vivi atque præsentes studiosos discendi eru- 3
diunt atque docent, sed hoc idem etiam post mortem monu-
mentis litterarum assequuntur: nec enim locus ullus præter- 4
missus est ab iis, qui ad leges, qui ad mores, qui ad disci-
plinam rei publicæ pertineret: ut otium suum ad nostrum
negotium contulisse videantur. Ita illi ipsi doctrinæ studiis 5
et sapientiæ dediti, ad hominum utilitatem suam intelligen-
tiam prudentiamque potissimum conferunt. Ob eamque etiam 6
causam eloqui copiose, modo prudenter, melius est, quam
vel acutissime sine eloquentia cogitare; quod cogitatio in se
ipsa vertitur, eloquentia complectitur eos, quibuscum com-
munitate juncti sumus. Atque ut apium examina non fin- 7
gendorum favorum causa congregantur, sed, cum congrega-
bilia natura sint, fingunt favos: sic homines, ac multo etiam
magis, natura congregati, adhibent agendi cogitandique sol-
lertiam. Itaque nisi ea virtus, quæ constat ex hominibus 8
tuendis, id est ex societate generis humani, attingat cogni-
tionem rerum, solivaga cognitio et jejuna videatur; itemque 9
magnitudo animi, remota communitate conjunctioneque hu-
mana, feritas sit quædam et immanitas. Ita fit, ut vincat 10
cognitionis studium consociatio hominum atque communitas.
Nec verum est, quod dicitur a quibusdam, propter necessi-
tatem vitæ, quod ea, quæ natura desideraret, consequi sine
aliis atque efficere non possemus, idcirco initam esse cum
hominibus communitatem et societatem; quod, si omnia no-
bis, quæ ad victum cultumque pertinent, quasi virgula di-
vina, ut aiunt, suppeditarentur, tum optimo quisque ingenio,
negotiis omnibus omissis, totum se in cognitione et scientia
collocaret. Non est ita. Nam et solitudinem fugeret, et so- 11

cium studii quæreret; tum docere, tum discere vellet, tum
12 audire, tum dicere. Ergo omne officium, quod ad conjunc-
tionem hominum et ad societatem tuendam valet, antepo-
nendum est illi officio, quod cognitione et scientia continetur.

XLV. Illud forsitan quærendum sit, num hæc communitas,
quæ maxime est apta naturæ, sit etiam moderationi mo-
2 destiæque semper anteponenda. Non placet. Sunt enim
quædam partim ita fœda, partim ita flagitiosa, ut ea ne
conservandæ quidem patriæ causa sapiens facturus sit. Ea
Posidonius collegit permulta, sed ita tætra quædam, ita
3 obscœna, ut dictu quoque videantur turpia. Hæc igitur non
suscipiet rei publicæ causa; ne res publica quidem pro se
4 suscipi volet. Sed hæc commodius se res habet, quod non
potest accidere tempus, ut intersit rei publicæ, quicquam il-
5 lorum facere sapientem. Quare hoc quidem effectum sit, in
officiis deligendis id genus officiorum excellere, quod tenea-
6 tur hominum societate. Etenim cognitionem prudentiamque
sequitur considerata actio. Ita fit, ut agere considerate pluris
7 sit, quam cogitare prudenter. Atque hæc quidem hactenus.
Patefactus est enim locus ipse, ut non sit difficile in exqui-
8 rendo officio, quid cuique sit præponendum, videre. In
ipsa autem communitate sunt gradus officiorum: ex quibus,
quid cuique præstet, intelligi possit: ut prima diis immorta-
libus, secunda patriæ, tertia parentibus, deinceps gradatim
9 reliquis debeantur. Quibus ex rebus breviter disputatis in-
telligi potest, non solum id homines solere dubitare, hone-
stumne, an turpe sit: sed etiam, duobus propositis honestis,
10 utrum honestius. Hic locus a Panætio est, ut supra dixi,
prætermissus. Sed jam ad reliqua pergamus.

LIBER SECUNDUS.

I. Quemadmodum officia ducerentur ab honestate, Marce fili,
atque ab omni genere virtutis, satis explicatum arbitror libro
superiore. Sequitur, ut hæc officiorum genera persequar, 2
quæ pertinent ad vitæ cultum, et ad earum rerum, quibus
utuntur homines, facultatem, ad opes, ad copias. In quo tum
quæri dixi, quid utile, quid inutile: tum ex utilibus quid uti-
lius, aut quid maxime utile. De quibus dicere aggrediar, si
pauca prius de instituto ac de judicio meo dixero.
Quamquam enim libri nostri complures non modo ad le- 3
gendi, sed etiam ad scribendi studium excitaverunt, tamen in-
terdum vereor, ne quibusdam bonis viris philosophiæ nomen
sit invisum, mirenturque, in ea tantum me operæ et tempo-
ris ponere. Ego autem quam diu res publica per eos gere- 4
batur, quibus se ipsa commiserat, omnes meas curas cogita-
tionesque in eam conferebam. Cum autem dominatu unius 5
omnia tenerentur, neque esset usquam consilio aut auctori-
tati locus, socios denique tuendæ rei publicæ, summos viros,
amisissem: nec me angoribus dedidi, quibus essem confectus,
nisi iis restitissem, nec rursum indignis homine docto volupta-
tibus. Atque utinam res publica stetisset, quo cœperat statu, 6
nec in homines non tam commutandarum, quam evertendarum
rerum cupidos incidisset. Primum enim, ut stante re publi- 7
ca facere solebamus, in agendo plus, quam in scribendo, ope-
ræ poneremus: deinde ipsis scriptis non ea, quæ nunc, sed
actiones nostras mandaremus, ut sæpe fecimus. Cum autem 8
res publica, in qua omnis mea cura, cogitatio, opera poni so-
lebat, nulla esset omnino, illæ scilicet litteræ conticuerunt,
forenses et senatoriæ. Nihil agere autem cum animus non 9
posset, in his studiis ab initio versatus ætatis, existimavi, ho-

nestissime molestias posse deponi, si me ad philosophiam re-
tulissem. Cui cum multum adolescens discendi causa tem-
poris tribuissem, posteaquam honoribus inservire cœpi, me-
que totum rei publicæ tradidi, tantum erat philosophiæ loci,
quantum superfuerat amicorum et rei publicæ temporis. Id
autem omne consumebatur in legendo; scribendi otium non
erat. II. Maximis igitur in malis hoc tamen boni assecuti vi-
demur, ut ea litteris mandaremus, quæ nec erant satis nota
2 nostris, et erant cognitione dignissima. Quid enim est, per
deos, optabilius sapientia? quid præstantius? quid homini
3 melius? quid homine dignius? Hanc igitur qui expetunt,
philosophi nominantur: nec quicquam aliud est philosophia,
4 si interpretari velis, præter studium sapientiæ. Sapientia
autem est, (ut a veteribus philosophis definitum est) rerum
divinarum et humanarum causarumque, quibus hæ res con-
tinentur, scientia: cujus studium qui vituperat, haud sane in-
5 telligo, quidnam sit, quod laudandum putet. Nam sive ob-
lectatio quæritur animi requiesque curarum; quæ conferri
cum eorum studiis potest, qui semper aliquid anquirunt, quod
spectet et valeat ad bene beateque vivendum? sive ratio
constantiæ virtutisque ducitur; aut hæc ars est, aut nulla
6 omnino, per quam eas assequamur. Nullam dicere maxi-
marum rerum artem esse, cum minimarum sine arte nulla
sit, hominum est parum considerate loquentium atque in
7 maximis rebus errantium. Si autem est aliqua disciplina
virtutis; ubi ea quæretur, cum ab hoc discendi genere di-
8 scesseris? Sed hæc, cum ad philosophiam cohortamur,
accuratius disputari solent: quod alio quodam libro fecimus.
9 Hoc autem tempore tantum nobis declarandum fuit, cur
orbati rei publicæ muneribus ad hoc nos studium potissi-
mum contulissemus.

10 Occurritur autem nobis, et quidem a doctis et eruditis,
quærentibus, satisne constanter facere videamur, qui, cum
percipi nihil posse dicamus, tamen et aliis de rebus disserere
soleamus, et hoc ipso tempore præcepta officii persequamur.
11 Quibus vellem satis cognita esset nostra sententia. Non enim
sumus ii, quorum vagetur animus errore, nec habeat unquam,

quid sequatur. Quæ enim esset ista mens, vel quæ vita po- 12
tius, non modo disputandi, sed etiam vivendi ratione sublata?
Nos autem, ut ceteri alia certa, alia incerta esse dicunt, sic 13
ab his dissentientes, alia probabilia, contra alia dicimus. Quid 14
est igitur, quod me impediat, ea quæ probabilia mihi videan-
tur, sequi? quæ contra, improbare; atque affirmandi arro-
gantiam vitantem, fugere temeritatem, quæ a sapientia dissi-
det plurimum? Contra autem omnia disputatur a nostris, 15
quod hoc ipsum probabile elucere non possit, nisi ex utraque
parte causarum esset facta contentio. Sed hæc explanata 16
sunt in Academicis nostris satis, ut arbitror, diligenter. Tibi 17
autem, mi Cicero, quamquam in antiquissima nobilissimaque
philosophia, Cratippo auctore, versaris, iis simillimo, qui
ista præclara pepererunt; tamen hæc nostra, finitima vestris,
ignota esse nolui. Sed jam ad instituta pergamus.

III. Quinque igitur rationibus propositis officii persequendi,
quarum duæ ad decus honestatemque pertinerent, duæ ad com-
moda vitæ, copias, opes, facultates, quinta ad eligendi judi-
cium, si quando ea, quæ dixi, pugnare inter se viderentur:
honestatis pars confecta est, quam quidem tibi cupio esse no-
tissimam. Hoc autem, de quo nunc agimus, id ipsum est, 2
quod utile appellatur. In quo lapsa consuetudo deflexit 3
de via, sensimque eo deducta est, ut honestatem ab utili-
tate secernens constitueret, esse honestum aliquid, quod utile
non esset, et utile, quod non honestum: qua nulla pernicies
major hominum vitæ potuit afferri. Summa quidem auctori- 4
tate philosophi, severe sane atque honeste, hæc tria genera
confusa, cogitatione distinguunt. Quicquid enim justum sit, 5
id etiam utile esse censent: itemque quod honestum, idem ju-
stum. Ex quo efficitur, ut, quicquid honestum sit, idem sit
utile. Quod qui parum perspiciunt, hi sæpe versutos homi- 6
nes et callidos admirantes, malitiam sapientiam judicant.
Quorum error eripiendus est, opinioque omnis ad eam spem 7
traducenda, ut honestis consiliis justisque factis, non fraude
et malitia, se intelligant ea, quæ velint, consequi posse.

Quæ ergo ad vitam hominum tuendam pertinent, par- 8

tim sunt inanima, ut aurum, argentum, ut ea, quæ gignun-
tur e terra, ut alia generis ejusdem: partim animalia, quæ
habent suos impetus et rerum appetitus. Eorum autem alia
9 rationis expertia sunt, alia ratione utentia. Expertes ratio-
nis, equi, boves, reliquæ pecudes, apes, quarum opere effi-
10 citur aliquid ad usum hominum atque vitam. Ratione autem
utentium duo genera ponunt, deorum unum, alterum homi-
num. Deos placatos pietas efficiet et sanctitas: proxime
11 autem et secundum deos *homines hominibus max-
ime utiles* esse possunt. Earumque item rerum, quæ
noceant et obsint, eadem divisio est. Sed quia deos nocere
non putant, his exceptis, homines hominibus obesse plurimum
arbitrantur.

12 Ea enim ipsa, quæ inanima diximus, pleraque sunt ho-
minum operis effecta, quæ nec haberemus, nisi manus et ars
accessisset: nec his sine hominum administratione uteremur.
13 Neque enim valetudinis curatio, neque navigatio, neque agri
cultura, neque frugum fructuumque reliquorum perceptio
14 et conservatio sine hominum opera ulla esse potuisset. Jam
vero et earum rerum, quibus abundaremus, exportatio, et
earum, quibus egeremus, invectio, certe nulla esset, nisi his
15 muneribus homines fungerentur. Eademque ratione nec lapi-
des e terra exciderentur ad usum nostrum necessarii, *nec
ferrum, æs, aurum, argentum* effoderetur *penitus abditum*
sine hominum labore et manu. IV. Tecta vero, quibus et
frigorum vis pelleretur, et calorum molestiæ sedarentur, unde
aut initio generi humano dari potuissent, aut postea subve-
niri, si aut vi tempestatis aut terræ motu aut vetustate ceci-
dissent, nisi communis vita ab hominibus harum rerum auxi-
2 lia petere didicisset? Adde ductus aquarum, derivationes flu-
minum, agrorum irrigationes, moles oppositas fluctibus, portus
manu factos, quæ unde sine hominum opere habere posse-
3 mus? Ex quibus multisque aliis perspicuum est, qui fructus
quæque utilitates ex rebus iis, quæ sunt inanimæ, percipian-
tur, eas nos nullo modo sine hominum manu atque opera
4 capere potuisse. Qui denique ex bestiis fructus, aut quæ
5 commoditas, nisi homines adjuvarent, percipi posset? Nam

et qui principes inveniendi fuerunt, quem ex quaque belua
usum habere possemus, homines certe fuerunt: nec hoc tem-
pore sine hominum opera aut pascere eas, aut domare, aut
tueri, aut tempestivos fructus ex his capere possemus: ab eis-
demque et eæ, quæ nocent, interficiuntur, et quæ usui pos-
sunt esse, capiuntur. Quid enumerem artium multitudinem, 6
sine quibus vita omnino nulla esse potuisset? Quid enim
ægris subveniret, quæ esset oblectatio valentium, qui victus
aut cultus, nisi tam multæ nobis artes ministrarent, quibus
rebus exculta hominum vita tantum distat a victu et cultu be-
stiarum? Urbes vero sine hominum cœtu non potuissent 7
nec ædificari, nec frequentari: ex quo leges moresque con-
stituti, tum juris æqua descriptio certaque vivendi disciplina.
Quas res et mansuetudo animorum consecuta et verecundia 8
est: effectumque, ut esset vita munitior, atque ut dando et
accipiendo mutandisque facultatibus et commodandis nulla re
egeremus.

V. Longiores hoc loco sumus, quam necesse est. Quis
est enim, cui non perspicua sint illa, quæ pluribus verbis a
Panætio commemorantur, neminem neque ducem belli nec
principem domi magnas res et salutares sine hominum stu-
diis gerere potuisse? Commemoratur ab eo Themistocles, 2
Pericles, Cyrus, Agesilaus, Alexander, quos negat sine adju-
mentis hominum tantas res efficere potuisse. Utitur in re
non dubia testibus non necessariis.

Atque ut magnas utilitates adipiscimur conspiratione ho- 3
minum atque consensu: sic nulla tam detestabilis pestis est,
quæ non homini ab homine nascatur. Est Dicæarchi liber 4
de interitu hominum, Peripatetici magni et copiosi: qui col-
lectis ceteris causis, eluvionis, pestilentiæ, vastitatis, belua-
rum etiam repentinæ multitudinis, quarum impetu docet quæ-
dam hominum genera esse consumpta; deinde comparat,
quanto plures deleti sint homines hominum impetu, id est,
bellis aut seditionibus, quam omni reliqua calamitate.

Cum igitur hic locus nihil habeat dubitationis, quin ho- 5

mines plurimum hominibus et prosint et obsint: proprium hoc statuo esse virtutis conciliare animos hominum et ad
6 usus suos adjungere. Itaque, quæ in rebus inanimis, quæque in usu et tractatione beluarum fiunt utiliter ad hominum vitam, artibus ea tribuuntur operosis; hominum autem studia ad amplificationem nostrarum rerum prompta ac parata,
7 virorum præstantium sapientia et virtute excitantur. Etenim virtus omnis tribus in rebus fere vertitur: quarum una est in perspiciendo, quid in quaque re verum sincerumque sit, quid consentaneum cuique, quid consequens, ex quo quidque
8 gignatur, quæ cujusque rei causa sit; alterum, cohibere motus animi turbatos, quos Græci πάθη nominant, appetitionesque, quas illi ὁρμὰς, obedientes efficere rationi; tertium, iis, quibuscum congregamur, uti moderate et scienter, quorum studiis ea, quæ natura desiderat, expleta cumulataque habeamus, per eosdemque, si quid importetur nobis incommodi, propulsemus, ulciscamurque eos, qui nocere nobis conati sunt, tantaque pœna afficiamus, quantam æquitas humanitasque patitur.

VI. Quibus autem rationibus hanc facultatem assequi possimus, ut hominum studia complectamur eaque teneamus, dicemus, neque ita multo post: sed pauca ante dicenda sunt.
2 Magnam vim esse in fortuna in utramque partem, vel se-
3 cundas ad res, vel adversas, quis ignorat? Nam et cum prospero flatu ejus utimur, ad exitus pervehimur optatos; et
4 cum reflavit, affligimur. Hæc igitur ipsa fortuna ceteros casus rariores habet, primum ab inanimis procellas, tempestates, naufragia, ruinas, incendia: deinde a bestiis ictus, mor-
5 sus, impetus. Hæc ergo, ut dixi, rariora. At vero interitus exercituum, ut proxime trium, sæpe multorum, clades imperatorum, ut nuper summi et singularis viri, invidiæ præterea multitudinis, atque ob eas bene meritorum sæpe civium expulsiones, calamitates, fugæ; rursusque secundæ res, honores, imperia, victoriæ, quamquam fortuita sunt, tamen sine hominum opibus et studiis neutram in partem effici possunt.

Hoc igitur cognito, dicendum est, quonam modo homi- 6
num studia ad utilitates nostras allicere atque excitare pos-
simus. Quæ si longior fuerit oratio, cum magnitudine utili- 7
tatis comparetur; ita fortasse etiam brevior videbitur. Quæ-
cunque igitur homines homini tribuunt ad eum augendum 8
atque honestandum, aut benivolentiæ gratia faciunt, cum ali-
qua de causa quempiam diligunt; aut honoris, si cujus virtu-
tem suspiciunt, quemque dignum fortuna quam amplissima
putant; aut cui fidem habent, et bene rebus suis consulere
arbitrantur; aut cujus opes metuunt; aut contra, a quibus
aliquid expectant, ut cum reges popularesve homines largi-
tiones aliquas proponunt; aut postremo pretio ac mercede 9
ducuntur, quæ sordidissima est illa quidem ratio et inquina-
tissima, et iis, qui ea tenentur, et illis, quid ad eam confugere
conantur. Male enim se res habet, cum, quod virtute effici 10
debet, id tentatur pecunia. Sed quoniam nonnunquam hoc
subsidium necessarium est, quemadmodum sit utendum eo,
dicemus, si prius iis de rebus, quæ virtuti propiores sunt,
dixerimus. Atque etiam subjiciunt se homines imperio alte- 11
rius et potestati de causis pluribus. Ducuntur enim aut beni- 12
volentia, aut beneficiorum magnitudine, aut dignitatis præ-
stantia, aut spe, sibi id utile futurum, aut metu, ne vi parere
cogantur, aut spe largitionis promissisque capti, aut postre-
mo, ut sæpe in nostra re publica videmus, mercede con-
ducti.

VII. Omnium autem rerum nec aptius est quicquam ad
opes tuendas ac tenendas, quam diligi, nec alienius, quam ti-
meri. Præclare enim Ennius: 2

Quem metuunt, oderunt: quem quisque odit, periisse expetit.

Multorum autem odiis nullas opes posse obsistere, si antea 3
fuit ignotum, nuper est cognitum. Nec vero hujus tyranni 4
solum, quem armis oppressa pertulit civitas, paretque cum-
maxime mortuo, interitus declarat, quantum odium homi-
num valeat ad pestem; sed reliquorum similes exitus tyran-
norum, quorum haud fere quisquam talem interitum effugit.

5 Malus enim est custos diuturnitatis metus, contraque benivo-
6 lentia fidelis vel ad perpetuitatem. Sed iis, qui vi oppressos
imperio coërcent, sit sane adhibenda sævitia, ut heris in fa-
7 mulos, si aliter teneri non possunt. Qui vero in libera civi-
tate ita se instruunt, ut metuantur, his nihil potest esse de-
8 mentius. Quamvis enim sint demersæ leges alicujus opibus,
quamvis timefacta libertas, emergunt tamen hæc aliquando
9 aut judiciis tacitis, aut occultis de honore suffragiis. Acriores
autem morsus sunt intermissæ libertatis, quam retentæ.
10 Quod igitur latissime patet, neque ad incolumitatem solum,
sed etiam ad opes et potentiam valet plurimum, id ample-
ctamur, ut metus absit, caritas retineatur: ita facillime, quæ
volemus, et privatis in rebus, et in re publica consequemur.
11 Etenim, qui se metui volent, a quibus metuentur, eosdem
12 metuant ipsi necesse est. Quid enim censemus, superiorem
illum Dionysium, quo cruciatu timoris angi solitum, qui cul-
tros metuens tonsorios, candente carbone sibi adurebat capil-
13 lum? Quid? Alexandrum Pheræum, quo animo vixisse arbi-
tramur? qui, ut scriptum legimus, cum uxorem Theben ad-
modum diligeret, tamen ad eam ex epulis in cubiculum ve-
niens, barbarum, et eum quidem, ut scriptum est, compun-
ctum notis Thraciis, destricto gladio jubebat anteire: præ-
mittebatque de stipatoribus suis, qui scrutarentur arculas mu-
liebres, et, ne quod in vestimentis telum occultaretur, exqui-
14 rerent. O miserum, qui fideliorem et barbarum et stigmatiam
putaret, quam conjugem! Nec eum fefellit. Ab ea est enim
15 ipsa propter pellicatus suspicionem interfectus. Nec vero ulla
vis imperii tanta est, quæ, premente metu, possit esse diu-
16 turna. Testis est Phalaris, cujus est præter ceteros nobili-
tata crudelitas: qui non ex insidiis interiit, ut is, quem modo
dixi, Alexander, non a paucis, ut hic noster, sed in quem uni-
17 versa Agrigentinorum multitudo impetum fecit. Quid? Ma-
cedones nonne Demetrium reliquerunt, universique se ad Pyr-
rhum contulerunt? Quid? Lacedæmonios injuste imperantes
nonne repente omnes fere socii deseruerunt, spectatoresque
se otiosos præbuerunt Leuctricæ calamitatis? VIII. Externa
2 libentius in tali re, quam domestica, recordor. Verumtamen,

quamdiu imperium populi Romani beneficiis tenebatur, non
injuriis: bella aut pro sociis, aut de imperio gerebantur; exi-
tus erant bellorum aut mites aut necessarii; regum, populo-
rum, nationum portus erat et refugium senatus; nostri autem 3
magistratus imperatoresque ex hac una re maximam laudem
capere studebant, si provincias, si socios æquitate et fide de-
fendissent. Itaque illud patrocinium orbis terræ verius, quam 4
imperium poterat nominari. Sensim hanc consuetudinem et 5
disciplinam jam minuebamus: post vero Sullæ victoriam pe-
nitus amisimus. Desitum est enim videri quicquam in so- 6
cios iniquum, cum extitisset in cives tanta crudelitas. Ergo 7
in illo secuta est honestam causam non honesta victoria. Est
enim ausus dicere, hasta posita, cum bona in foro venderet
et bonorum virorum, et locupletum, et certe civium, prædam
se suam vendere. Secutus est, qui in causa impia, victoria 8
etiam fœdiore, non singulorum civium bona publicaret, sed
universas provincias regionesque uno calamitatis jure com-
prehenderet. Itaque, vexatis ac perditis exteris nationibus, 9
ad exemplum amissi imperii portari in triumpho Massiliam
vidimus, et ex ea urbe triumphari, sine qua nunquam nostri
imperatores ex Transalpinis bellis triumpharunt. Multa præ- 10
terea commemorarem nefaria in socios, si hoc uno quicquam
sol vidisset indignius. Jure igitur plectimur. Nisi enim mul- 11
torum impunita scelera tulissemus, nunquam ad unum tanta
pervenisset licentia: a quo quidem rei familiaris ad paucos,
cupiditatum ad multos improbos venit hereditas. Nec vero 12
unquam bellorum civilium semen et causa deerit, dum homi-
nes perditi hastam illam cruentam et meminerint et spera-
bunt. Quam P. Sulla cum vibrasset, dictatore propinquo suo,
idem sexto tricesimo anno post a sceleratiore hasta non re-
cessit. Alter autem, qui in illa dictatura scriba fuerat, in hac
fuit quaestor urbanus. Ex quo debet intelligi, talibus præ- 13
miis propositis, nunquam defutura bella civilia. Itaque pa- 14
rietes modo urbis stant et manent, iique ipsi jam extrema
scelera metuentes: rem vero publicam penitus amisimus.
Atque in has clades incidimus (redeundum est enim ad pro- 15
positum), dum metui, quam cari esse et diligi maluimus.

16 Quæ si populo Romano injuste imperanti accidere potuerunt, quid debent putare singuli?

17 Quod cum perspicuum sit, benivolentiæ vim esse magnam, metus imbecillam: sequitur ut disseramus, quibus rebus facillime possimus eam, quam volumus, adipisci cum honore et fide caritatem. Sed ea non pariter omnes egemus.
18 Nam ad cujusque vitam institutam accommodandum est, a
19 multisne opus sit, an satis sit a paucis diligi. Certum igitur hoc sit, idque et primum et maxime necessarium, familiaritates habere fidas amantium nos amicorum et nostra miran-
20 tium. Hæc enim est una res prorsus ut non multum differat inter summos et mediocres viros; eaque utrisque est pro-
21 pemodum comparanda. Honore et gloria et benivolentia civium fortasse non æque omnes egent, sed tamen si cui hæc suppetunt, adjuvant aliquantum tum ad cetera, tum ad amicitias comparandas.

IX. Sed de amicitia alio libro dictum est, qui inscribitur Lælius. Nunc dicamus de gloria, quamquam ea quoque de re duo sunt nostri libri: sed attingamus, quandoquidem ea
2 in rebus majoribus administrandis adjuvat plurimum. Summa igitur et perfecta gloria constat ex tribus his: si diligit multitudo, si fidem habet, si cum admiratione quadam honore
3 dignos putat. Hæc autem, si est simpliciter breviterque dicendum, quibus rebus pariuntur a singulis, eisdem fere a multitudine. Sed est alius quoque quidam aditus ad multitudinem, ut in universorum animos tamquam influere possimus.

4 Ac primum de illis tribus, quæ ante dixi, benivolentiæ præcepta videamus: quæ quidem capitur beneficiis maxime: secundo autem loco benefica voluntate benivolen-
5 tia movetur, etiamsi res forte non suppetit. Vehementer autem amor multitudinis commovetur ipsa fama et opinione liberalitatis, beneficentiæ, justitiæ, fidei, omniumque earum virtutum, quæ pertinent ad mansuetudinem morum ac faci-
6 litatem. Etenim illud ipsum, quod honestum decorumque dicimus, quia per se nobis placet, animosque omnium natura

et specie sua commovet, maximeque quasi perlucet ex eis,
quas commemoravi, virtutibus: idcirco illos, in quibus eas
virtutes esse remur, a natura ipsa diligere cogimur. Atque 7
hæ quidem causæ diligendi gravissimæ: possunt enim præterea nonnullæ esse leviores.

Fides autem ut habeatur, duabus rebus effici potest, si 8
existimabimur adepti conjunctam cum justitia prudentiam.
Nam et iis fidem habemus, quos plus intelligere, quam nos, 9
arbitramur, quosque et futura prospicere credimus, et cum
res agatur in discrimenque ventum sit, expedire rem et consilium ex tempore capere posse. Hanc enim utilem homines
existimant veramque prudentiam. Justis autem et fidis ho- 10
minibus, id est bonis viris, ita fides habetur, ut nulla sit in his
fraudis injuriæque suspicio. Itaque his salutem nostram, his
fortunas, his liberos, rectissime committi arbitramur. Harum 11
igitur duarum ad fidem faciendam justitia plus pollet: quippe
cum ea sine prudentia satis habeat auctoritatis, prudentia
sine justitia nihil valeat ad faciendam fidem. Quo enim quis 12
versutior et callidior est, hoc invisior et suspectior, detracta
opinione probitatis. Quam ob rem intelligentiæ justitia con- 13
juncta, quantum volet, habebit ad faciendam fidem virium;
justitia sine prudentia multum poterit; sine justitia nihil valebit prudentia.

X. Sed ne quis sit admiratus, cur, cum inter omnes philosophos constet, a meque ipso sæpe disputatum sit, qui unam
haberet, omnes habere virtutes, nunc ita sejungam, quasi possit quisquam, qui non idem prudens sit, justus esse: alia est
illa, cum veritas ipsa limatur in disputatione, subtilitas; alia, 2
cum ad opinionem communem omnis accommodatur oratio.
Quam ob rem, ut vulgus, ita nos hoc loco loquimur, ut alios 3
fortes, alios viros bonos, alios prudentes esse dicamus. Popu- 4
laribus enim verbis est agendum, et usitatis, cum loquamur
de opinione populari, idque eodem modo fecit Panætius. Sed
ad propositum revertamur.

Erat igitur ex tribus, quæ ad gloriam pertinerent, hoc 5

tertium, ut cum *admiratione* hominum honore ab iis digni
6 judicaremur. Admirantur igitur communiter illi quidem
omnia, quæ magna, et præter opinionem suam animadverte
runt: separatim autem in singulis, si perspiciunt necopinata
7 quædam bona. Itaque eos viros suspiciunt, maximisque effe-
runt laudibus, in quibus existimant se excellentes quasdam
8 et singulares perspicere virtutes: despiciunt autem eos et con-
temnunt, in quibus nihil virtutis, nihil animi, nihil nervorum
putant. Non enim omnes eos contemnunt, de quibus male
9 existimant. Nam quos improbos, maledicos, fraudulentos pu-
tant, et ad faciendam injuriam instructos, eos contemnunt
10 quidem neutiquam, sed de his male existimant. Quamobrem,
ut ante dixi, contemnuntur ii, qui nec sibi, nec alteri, ut di-
citur; in quibus nullus labor, nulla industria, nulla cura est.
Admiratione autem afficiuntur ii, qui anteire ceteris virtute
putantur, et cum omni carere dedecore, tum vero iis vitiis,
11 quibus alii non facile possunt obsistere. Nam et voluptates,
blandissimæ dominæ, majoris partis animos a virtute detor-
quent; et dolorum cum admoventur faces, præter modum
12 plerique exterrentur. Vita, mors, divitiæ, paupertas, omnes
13 homines vehementissime permovent. Quæ qui in utramque
partem excelso animo magnoque despiciunt, cum aliqua his
ampla et honesta res objecta est, totos ad se convertit et ra-
pit. Tum quis non admiretur splendorem pulchritudinemque
virtutis? XI. Ergo et hæc animi despicientia admirabilitatem
magnam facit: et maxime justitia, ex qua una virtute viri
boni appellantur, mirifica quædam multitudini videtur: nec
2 injuria. Nemo enim justus esse potest, qui mortem, qui
dolorem, qui exilium, qui egestatem timet, aut qui ea, quæ
3 sunt his contraria, æquitati anteponit. Maximeque admi-
rantur eum, qui pecunia non movetur; quod in quo viro
perspectum sit, hunc igni spectatum arbitrantur.

4 Itaque illa tria, quæ proposita sunt ad gloriam, omnia *jus-
titia* conficit: et benivolentiam, quod prodesse vult plu-
rimis; et ob eandem causam fidem; et admirationem, quod
eas res spernit et negligit, ad quas plerique inflammati avidi-
5 tate rapiuntur. Ac mea quidem sententia omnis ratio atque

institutio vitæ adjumenta hominum desiderat, in primisque
ut habeat, quibuscum possit familiares conferre sermones:
quod est difficile, nisi speciem præ te boni viri feras. Ergo 6
etiam solitario homini atque in agro vitam agenti opinio ju-
stitiæ necessaria est: eoque etiam magis, quod eam si non
habebunt, injusti habebuntur, nullis præsidiis septi, multis
afficientur injuriis. Atque iis etiam, qui vendunt, emunt, con- 7
ducunt, locant, contrahendisque negotiis implicantur, justitia
ad rem gerendam necessaria est. Cujus tanta vis est, ut ne 8
illi quidem, qui maleficio et scelere pascuntur, possint sine
ulla particula justitiæ vivere. Nam qui eorum cuipiam, qui 9
una latrocinantur, furatur aliquid aut eripit, is sibi ne in la-
trocinio quidem relinquit locum. Ille autem, qui archipirata
dicitur, nisi æquabiliter prædam dispertiat, aut interficiatur
a sociis, aut relinquatur. Quin etiam leges latronum esse dicun- 10
tur, quibus pareant, quas observent. Itaque propter æqua- 11
bilem prædæ partitionem et Bardylis Illyrius latro, de quo
est apud Theopompum, magnas opes habuit, et multo ma-
jores Viriathus Lusitanus, cui quidem etiam exercitus nostri
imperatoresque cesserunt: quem C. Lælius, is, qui sapiens
usurpatur, prætor fregit et comminuit, ferocitatemque ejus
ita repressit, ut facile bellum reliquis traderet. Cum igitur 12
tanta vis justitiæ sit, ut ea etiam latronum opes firmet atque
augeat, quantam ejus vim inter leges et judicia et in consti-
tuta re publica fore putamus? XII. Mihi quidem non apud
Medos solum, ut ait Herodotus, sed etiam apud majores no-
stros, justitiæ fruendæ causa videntur olim bene morati re-
ges constituti. Nam cum premeretur initio multitudo ab iis, 2
qui majores opes habebant: ad unum aliquem confugiebant,
virtute præstantem; qui cum prohiberet injuria tenuiores,
æquitate constituenda summos cum infimis pari jure retine-
bat. Eademque constituendarum legum fuit causa, quæ re- 3
gum. Jus enim semper est quæsitum æquabile: neque enim
aliter esset jus. Id si ab uno justo et bono viro conseque- 4
bantur, erant eo contenti. Cum id minus contingeret, leges
sunt inventæ, quæ cum omnibus semper una atque eadem
voce loquerentur. Ergo hoc quidem perspicuum est, eos ad 5

imperandum deligi solitos, quorum de justitia magna esset opinio multitudinis. Adjuncto vero, ut iidem etiam prudentes haberentur, nihil erat, quod homines his auctoribus non
6 posse consequi se arbitrarentur. Omni igitur ratione colenda et retinenda justitia est, tum ipsa per sese, (nam aliter justitia non esset,) tum propter amplificationem honoris et gloriæ.

7 Sed ut pecuniæ non quærendæ solum ratio est, verum etiam collocandæ, quæ perpetuos sumptus suppeditet, nec solum necessarios, sed etiam liberales: sic gloria et quærenda,
8 et collocanda ratione est. Quamquam præclare Socrates, hanc viam ad gloriam proximam et quasi compendiariam dicebat esse, si quis id ageret, ut, qualis haberi vellet, talis esset.
9 Quod si qui simulatione et inani ostentatione et ficto non modo sermone, sed etiam vultu, stabilem se gloriam consequi
10 posse rentur, vehementer errant. Vera gloria radices agit, atque etiam propagatur; ficta omnia celeriter tamquam flosculi decidunt, nec simulatum potest quicquam esse diutur-
11 num. Testes sunt permulti in utramque partem: sed brevi-
12 tatis causa familia contenti erimus una. Ti. enim Gracchus, P. F., tam diu laudabitur, dum memoria rerum Romanarum manebit. At ejus filii nec vivi probabantur bonis, et mortui numerum obtinent jure cæsorum.

XIII. Qui igitur adipisci veram gloriam volet, justitiæ fungatur officiis. Ea quæ essent, dictum est in libro superiore.
2 Sed, ut facillime, quales simus, tales esse videamur, etsi in eo ipso vis maxima est, ut simus ii, qui haberi velimus, tamen
3 quædam præcepta danda sunt. Nam si quis ab ineunte ætate habet causam celebritatis et nominis, aut a patre acceptam (quod tibi, mi Cicero, arbitror contigisse) aut aliquo casu atque fortuna: in hunc oculi omnium conjiciuntur, atque in eum, quid agat, quemadmodum vivat, inquiritur: et tamquam in clarissima luce versetur, ita nullum obscurum potest nec
4 dictum ejus esse nec factum. Quorum autem prima ætas propter humilitatem et obscuritatem in hominum ignoratione

versatur, ii, simulac juvenes esse cœperunt, magna spectare et ad ea rectis studiis debent contendere: quod eo firmiore animo facient, quia non modo non invidetur illi ætati, verum etiam favetur.

Prima est igitur adolescenti commendatio ad gloriam, si 5
qua *ex bellicis rebus* comparari potest; in qua multi
apud majores nostros extiterunt: semper enim fere bella gere-
bantur. Tua autem ætas incidit in id bellum, cujus altera pars 6
sceleris nimium habuit, altera felicitatis parum. Quo tamen 7
in bello, cum te Pompeius alæ alteri præfecisset, magnam
laudem et a summo viro et ab exercitu consequebare equi-
tando, jaculando, omni militari labore tolerando. Atque ea
quidem tua laus pariter cum re publica cecidit. Mihi autem 8
hæc oratio suscepta non de te est, sed de genere toto: quam-
obrem pergamus ad ea, quæ restant.

Ut igitur in reliquis rebus multo majora opera sunt ani- 9
mi, quam corporis: sic eæ res, quas ingenio ac ratione per-
sequimur, graviores sunt, quam illæ, quas viribus. Prima 10
igitur commendatio proficiscitur a *modestia*, tum *pietate*
in parentes, in suos benivolentia. Facillime autem, et in 11
optimam partem, cognoscuntur adolescentes, qui se ad claros
et sapientes viros, bene consulentes rei publicæ, contulerunt:
quibuscum si frequentes sunt, opinionem afferunt populo,
eorum fore se similes, quos sibi ipsi delegerint ad imitan-
dum. P. Rutilii adolescentiam ad opinionem et innocentiæ, 12
et juris scientiæ, P. Mucii commendavit domus. Nam L. 13
quidem Crassus, cum esset admodum adolescens, non aliunde
mutuatus est, sed sibi ipse peperit maximam laudem ex illa
accusatione nobili et gloriosa: et qua ætate qui exercentur,
laude affici solent, ut de Demosthene accepimus, ea ætate
L. Crassus ostendit, id se in foro optime jam facere, quod
etiamtum poterat domi cum laude meditari.

XIV. Sed cum duplex ratio sit orationis, quarum in altera sermo sit, in altera contentio: non est id quidem dubium, quin contentio orationis majorem vim habeat ad gloriam (ea

est enim, quam eloquentiam dicimus); sed tamen difficile dictu
est, quanto opere conciliet animos comitas affabilitasque ser-
2 monis. Extant epistolæ, et Philippi ad Alexandrum, et An-
tipatri ad Cassandrum, et Antigoni ad Philippum filium, trium
prudentissimorum, (sic enim accepimus,) quibus præcipiunt,
ut oratione benigna multitudinis animos ad benivolentiam
3 alliciant, militesque blande appellando deliniant. Quæ autem
in multitudine cum contentione habetur oratio, ea sæpe uni-
4 versam excitat. Magna est enim admiratio copiose sapienter-
que dicentis: quem qui audiunt, intelligere etiam et sapere
5 plus quam ceteros arbitrantur. Si vero inest in oratione
mixta modestiæ gravitas, nihil admirabilius fieri potest; eo-
6 que magis, si ea sunt in adolescente. Sed, cum sint plura
causarum genera, quæ eloquentiam desiderent, multique in
nostra re publica adolescentes et apud judices, et apud popu-
lum, et apud senatum dicendo laudem assecuti sint, maxima
7 est admiratio in judiciis: quorum ratio duplex est. Nam ex
accusatione et defensione constat: quarum etsi laudabilior est
8 defensio, tamen etiam accusatio probata persæpe est. Dixi
paulo ante de Crasso. Idem fecit adolescens M. Antonius.
Etiam P. Sulpicii eloquentiam accusatio illustravit, cum sedi-
tiosum et inutilem civem, C. Norbanum, in judicium vocavit.
9 Sed hoc quidem non est sæpe faciendum, nec unquam nisi
aut rei publicæ causa, ut ii, quos ante dixi; aut ulciscendi,
ut duo Luculli; aut patrocinii, ut nos pro Siculis, pro Sardis
in Albucio Julius. In accusando etiam M'. Aquillio L. Fufii
10 cognita industria est. Semel igitur, aut non sæpe certe. Sin
erit, cui faciendum sit sæpius, rei publicæ tribuat hoc mu-
neris, cujus inimicos ulcisci sæpius, non est reprehendendum.
11 Modus tamen adsit. Duri enim hominis, vel potius vix ho-
12 minis, videtur, periculum capitis inferre multis. Id cum peri-
culosum ipsi est, tum etiam sordidum ad famam, committere,
ut accusator nominere: quod contigit M. Bruto, summo ge-
nere nato, illius filio, qui juris civilis in primis peritus fuit.
13 Atque etiam hoc præceptum officii diligenter tenendum est,
ne quem unquam innocentem judicio capitis arcessas: id enim
14 sine scelere fieri nullo pacto potest. Nam quid est tam inhu-

manum, quam eloquentiam, a natura ad salutem hominum et ad conservationem datam, ad bonorum pestem perniciemque
convertere? Nec tamen, ut hoc fugiendum est, item est haben- 15
dum religioni, nocentem aliquando, modo ne nefarium impiumque, defendere. Vult hoc multitudo, patitur consuetudo, fert
etiam humanitas. Judicis est, semper in causis verum sequi: 16
patroni, nonnunquam veri simile, etiamsi minus sit verum,
defendere; quod scribere (præsertim cum de philosophia 17
scriberem) non auderem, nisi idem placeret gravissimo Stoi-
corum Panætio. Maxime autem et gloria paritur et gratia 18
defensionibus: eoque major, si quando accidit, ut ei subveniatur, qui potentis alicujus opibus circumveniri urgerique
videatur; ut nos et sæpe alias, et adolescentes contra L. Sul- 19
læ dominantis opes pro S. Roscio Amerino fecimus: quæ, ut scis, extat oratio.

XV. Sed expositis adolescentium officiis, quæ valeant ad gloriam adipiscendam, deinceps de beneficentia ac de
liberalitate dicendum est. Cujus est ratio duplex. Nam 2
aut opera benigne fit indigentibus, aut pecunia. Facilior est hæc posterior, locupleti præsertim: sed illa lautior ac splen-
didior et viro forti claroque dignior. Quamquam enim in 3
utroque inest gratificandi liberalis voluntas, tamen altera ex arca, altera ex virtute depromitur: largitioque, quæ fit ex re familiari, fontem ipsum benignitatis exhaurit. Ita benignitate benignitas tollitur: qua quo in plures usus sis, eo minus
in multos uti possis. At qui opera, id est virtute et industria, 4
benefici et liberales erunt, primum quo pluribus profuerint,
eo plures ad benigne faciendum adjutores habebunt. Deinde 5
consuetudine beneficentiæ paratiores erunt et tamquam exer-
citatiores ad bene de multis promerendum. Præclare in epi- 6
stola quadam Alexandrum filium Philippus accusat, quod largitione benivolentiam Macedonum consectetur. *Quæ te, malum!* inquit, *ratio in istam spem induxit, ut eos tibi fideles putares fore, quos pecunia corrupisses? An tu id agis, ut Macedones non te regem suum, sed ministrum et præbitorem sperent fore?* Bene *ministrum et præbitorem;* quo quid 7

sordidius regi? melius etiam, quod largitionem corruptelam
esse dixit. Fit enim deterior, qui accipit, atque ad idem sem-
8 per expectandum paratior. Hoc ille filio, sed præceptum
putemus omnibus. Quamobrem id quidem non dubium est,
quin illa benignitas, quæ constet ex opera et industria, et
honestior sit, et latius pateat, et possit prodesse pluribus.
9 Nonnunquam tamen est largiendum, nec hoc benignitatis ge-
nus omnino repudiandum est, et sæpe idoneis hominibus
indigentibus de re familiari impertiendum: sed diligenter at-
10 que moderate. Multi enim patrimonia effuderunt inconsulte
largiendo. Quid autem est stultius, quam, quod libenter fa-
11 cias, curare, ut id diutius facere non possis? Atque etiam
sequuntur largitionem rapinæ. Cum enim dando egere cœ-
12 perunt, alienis bonis manus afferre coguntur. Ita, cum beni-
volentiæ comparandæ causa benefici esse velint, non tanta
studia assequuntur eorum, quibus dederunt, quanta odia
13 eorum, quibus ademerunt. Quamobrem nec ita claudenda
res est familiaris, ut eam benignitas aperire non possit, nec
ita reseranda, ut pateat omnibus: modus adhibeatur, isque
14 referatur ad facultates. Omnino meminisse debemus id, quod
a nostris hominibus sæpissime usurpatum, jam in proverbii
15 consuetudinem venit, largitionem fundum non habere. Etenim
quis potest modus esse, cum et idem qui consuerunt, et idem
illud alii desiderent?

XVI. Omnino duo sunt genera largorum, quorum alteri
2 prodigi, alteri liberales. Prodigi, qui epulis, et viscerationibus,
et gladiatorum muneribus, ludorum venationumque apparatu,
pecunias profundunt in eas res, quarum memoriam aut bre-
3 vem aut nullam omnino sint relicturi. Liberales autem, qui
suis facultatibus aut captos a prædonibus redimunt, aut æs
alienum suscipiunt amicorum, aut in filiarum collocatione
adjuvant, aut opitulantur in re vel quærenda, vel augenda.
4 Itaque miror, quid in mentem venerit Theophrasto in eo
libro, quem de divitiis scripsit: in quo multa præclare, illud
absurde. Est enim multus in laudanda magnificentia et ap-
paratione popularium munerum: taliumque sumptuum fa-

cultatem fructum divitiarum putat. Mihi autem ille fructus 5
liberalitatis, cujus pauca exempla posui, multo et major vi-
detur et certior. Quanto Aristo Ceus gravius et verius nos 6
reprehendit, qui has pecuniarum effusiones non admiremur,
quæ fiunt ad multitudinem deliniendam : at ii, qui ab hoste 7
obsidentur, si emere aquæ sextarium mina cogerentur, hoc
primo auditu incredibile nobis videri, omnesque mirari, sed,
cum attenderint, veniam necessitati dare ; in his immanibus 8
jacturis infinitisque sumptibus nihil nos magno opere mirari ;
cum præsertim neque necessitati subveniatur, nec dignitas
augeatur, ipsaque illa delectatio multitudinis sit ad breve
exiguumque tempus, eaque a levissimo quoque : in quo ta-
men ipso una cum satietate, memoria quoque moriatur vo-
luptatis. Bene etiam colligit, hæc pueris et mulierculis et 9
servis et servorum simillimis liberis esse grata ; gravi vero
homini, et ea, quæ fiunt, judicio certo ponderanti, probari
posse nullo modo. Quamquam intelligo, in nostra civitate 10
inveterasse jam bonis temporibus, ut splendor ædilitatum ab
optimis viris postuletur. Itaque et P. Crassus, cum cogno- 11
mine dives, tum copiis, functus est ædilicio maximo mu-
nere, et paulo post L. Crassus cum omnium hominum mo-
deratissimo, Q. Mucio, magnificentissima ædilitate functus
est : deinde C. Claudius, Appii filius : multi post, Luculli,
Hortensius, Silanus. Omnes autem P. Lentulus, me consule, 12
vicit superiores. Hunc est Scaurus imitatus. Magnificentis-
sima vero nostri Pompeii munera secundo consulatu : in qui-
bus omnibus quid mihi placeat, vides. XVII. Vitanda tamen
suspicio est avaritiæ. Mamerco, homini divitissimo, præter-
missio ædilitatis consulatus repulsam attulit. Quare et, si 2
postulatur a populo, bonis viris si non desiderantibus, at ta-
men approbantibus, faciendum est, modo pro facultatibus, nos
ipsi ut fecimus ; et, si quando aliqua res major atque utilior
populari largitione acquiritur ; ut Oresti nuper prandia in
semitis decumæ nomine magno honori fuerunt. Ne M. qui- 3
dem Seio vitio datum est, quod in caritate asse modium
populo dedit. Magna enim se et inveterata invidia nec turpi
jactura, quando erat ædilis, nec maxima liberavit. Sed ho- 4

nori summo nuper nostro Miloni fuit, qui gladiatoribus
emptis rei publicæ causa, quæ salute nostra continebatur,
5 omnes P. Clodii conatus furoresque compressit. Causa igitur
largitionis est, si aut necesse est, aut utile. In his autem
6 ipsis mediocritatis regula optima est. L. quidem Philippus,
Q. F., magno vir ingenio in primisque clarus, gloriari sole-
bat, se sine ullo munere adeptum esse omnia, quæ habe-
7 rentur amplissima. Dicebat idem Cotta, Curio. Nobis quo-
que licet in hoc quodam modo gloriari. Nam pro amplitu-
dine honorum, quos cunctis suffragiis adepti sumus nostro
quidem anno, quod contigit eorum nemini, quos modo no-
8 minavi, sane exiguus sumptus ædilitatis fuit. Atque etiam
illæ impensæ meliores, muri, navalia, portus, aquarum duc-
9 tus, omniaque, quæ ad usum rei publicæ pertinent. Quam-
quam, quod præsens tamquam in manum datur, jucundius
10 est: tamen hæc in posterum gratiora. Theatra, porticus,
nova templa, verecundius reprehendo, propter Pompeium:
sed doctissimi non probant, ut et hic ipse Panætius, quem
multum in his libris secutus sum, non interpretatus; et
11 Phalereus Demetrius, qui Periclem, principem Græciæ, vi-
tuperat, quod tantam pecuniam in præclara illa propylæa
conjecerit. Sed de hoc genere toto, in iis libris, quos de re
12 publica scripsi, diligenter est disputatum. Tota igitur ratio
talium largitionum genere vitiosa est, temporibus necessaria;
et tum ipsum et ad facultates accommodanda et mediocritate
moderanda est.

XVIII. In illo autem altero genere largiendi, quod a libe-
ralitate proficiscitur, non uno modo in disparibus causis
2 affecti esse debemus. Alia causa est ejus, qui calamitate
premitur, et ejus, qui res meliores quærit, nullis suis rebus
3 adversis. Propensior benignitas esse debebit in calamitosos,
nisi forte erunt digni calamitate. In iis tamen, qui se adju-
vari volent, non ne affligantur, sed ut altiorem gradum ascen-
dant, restricti omnino esse nullo modo debemus: sed in deli-
gendis idoneis judicium et diligentiam adhibere. Nam præ-
clare Ennius:

Benefacta male locata, malefacta arbitror.

Quod autem tributum est bono viro et grato, in eo cum ex 4
ipso fructus est, tum etiam ex ceteris. Temeritate enim re- 5
mota, gratissima est liberalitas; eoque eam studiosius pleri-
que laudant, quod summi cujusque bonitas commune perfu-
gium est omnium. Danda igitur opera est, ut iis beneficiis 6
quam plurimos afficiamus, quorum memoria liberis posteris-
que prodatur, ut iis ingratis esse non liceat. Omnes enim 7
immemorem beneficii oderunt, eamque injuriam in deterrenda
liberalitate sibi etiam fieri, eumque, qui faciat, communem
hostem tenuiorum putant. Atque hæc benignitas etiam rei 8
publicæ est utilis, redimi e servitute captos, locupletari te-
nuiores: quod quidem vulgo solitum fieri ab ordine nostro,
in oratione Crassi scriptum copiose videmus. Hanc ergo 9
consuetudinem benignitatis largitioni munerum longe ante-
pono. Hæc est gravium hominum atque magnorum; illa
quasi assentatorum populi, multitudinis levitatem voluptate
quasi titillantium. Conveniet autem cum in dando munificum 10
esse, tum in exigendo non acerbum; in omnique re contra-
henda, vendendo, emendo, conducendo, locando, vicinitatibus
et confiniis æquum et facilem, multa multis de jure suo ce-
dentem, a litibus vero, quantum liceat, et nescio an paulo
plus etiam quam liceat, abhorrentem. Est enim non modo 11
liberale, paulum nonnunquam de suo jure decedere, sed in-
terdum etiam fructuosum. Habenda autem ratio est rei fa- 12
miliaris, quam quidem dilabi sinere, flagitiosum est, sed ita, ut
illiberalitatis avaritiæque absit suspicio. Posse enim liberali- 13
tate uti, non spoliantem se patrimonio, nimirum est pecuniæ
fructus maximus. Recte etiam a Theophrasto est laudata ho- 14
spitalitas. Est enim, ut mihi quidem videtur, valde decorum,
patere domus hominum illustrium illustribus hospitibus: idque
etiam rei publicæ est ornamento, homines externos hoc li-
beralitatis genere in urbe nostra non egere. Est autem etiam 15
vehementer utile iis, qui honeste posse multum volunt, per
hospites apud externos populos valere opibus et gratia. Theo- 16
phrastus quidem scribit, Cimonem Athenis etiam in suos cu-
riales Laciadas hospitalem fuisse. Ita enim instituisse, et vil-

licis imperavisse, ut omnia præberentur, quicunque Laciades in villam suam devertisset.

XIX. Quæ autem opera, non largitione, beneficia dantur,
hæc tum in universam rem publicam, tum in singulos cives con-
2 feruntur. Nam in jure cavere, consilio juvare, atque hoc scien-
tiæ genere prodesse quam plurimis, vehementer et ad opes
3 augendas pertinet, et ad gratiam. Itaque cum multa præ-
clara majorum, tum quod optime constituti juris civilis summo
4 semper in honore fuit cognitio atque interpretatio; quam qui-
dem ante hanc confusionem temporum in possessione sua
principes retinuerunt: nunc, ut honores, ut omnes dignitatis
5 gradus, sic hujus scientiæ splendor deletus est: idque eo in-
dignius, quod eo tempore hoc contigit, cum is esset, qui omnes
superiores, quibus honore par esset, scientia facile vicis-
6 set. Hæc igitur opera, grata multis, et ad beneficiis obstrin-
7 gendos homines accommodata. Atque huic arti finitima est
dicendi facultas, et gravior, et ornatior. Quid enim eloquen-
tia præstabilius, vel admiratione audientium, vel spe indi-
8 gentium, vel eorum, qui defensi sunt, gratia? Huic ergo a
9 majoribus nostris est in toga dignitatis principatus datus. Di-
serti igitur hominis, et facile laborantis, quodque in patriis
est moribus, multorum causas et non gravate et gratuito de-
10 fendentis, beneficia et patrocinia late patent. Admonebat me
res, ut hoc quoque loco intermissionem eloquentiæ, ne di-
cam interitum, deplorarem: ni vererer, ne de me ipso aliquid
viderer queri. Sed tamen videmus, quibus extinctis orato-
ribus, quam in paucis spes, quanto in paucioribus facultas,
11 quam in multis sit audacia. Cum autem omnes non possint,
ne multi quidem, aut juris periti esse, aut diserti; licet ta-
men opera prodesse multis, beneficia petentem, commendan-
tem judicibus, magistratibus, vigilantem pro re alterius, eos
ipsos, qui aut consuluntur, aut defendunt, rogantem: quod
qui faciunt, plurimum gratiæ consequuntur, latissimeque eo-
12 rum manat industria. Jam illud non sunt admonendi (est
enim in promptu) ut animadvertant, cum juvare alios velint,
13 ne quos offendant. Sæpe enim aut eos lædunt, quos non

debent, aut eos, quos non expedit: si imprudentes, negligentiæ est; si scientes, temeritatis. Utendum etiam est excusa- 14
tione adversus eos, quos invitus offendas, quacunque possis, quare id, quod feceris, necesse fuerit, nec aliter facere potueris: ceterisque operis et officiis erit id, quod violatum est, compensandum.

XX. Sed cum in hominibus juvandis aut mores spectari aut fortuna soleat: dictu quidem est proclive, itaque vulgo loquuntur, se in beneficiis collocandis mores hominum, non
fortunam sequi. Honesta oratio est. Sed quis est tandem, 2
qui inopis et optimi viri causæ non anteponat, in opera
danda, gratiam fortunati et potentis? A quo enim expeditior 3
et celerior remuneratio fore videtur, in eum fere est voluntas
nostra propensior. Sed animadvertendum est diligentius, quæ 4
natura rerum sit. Nimirum enim inops ille, si bonus est vir, etiamsi referre gratiam non potest, habere certe potest.
Commode autem, quicunque dixit, pecuniam qui habeat, non 5
reddidisse; qui reddiderit, non habere: gratiam autem et qui
retulerit, habere; et qui habeat, retulisse. At, qui se locu- 6
pletes, honoratos, beatos putant, ii ne obligari quidem beneficio volunt; quin etiam beneficium se dedisse arbitrantur, cum ipsi quamvis magnum aliquod acceperint; atque etiam a se aut postulari aut expectari aliquid suspicantur: patrocinio vero se usos aut clientes appellari, mortis instar putant.
At vero ille tenuis, cum, quicquid factum sit, se spectatum, 7
non fortunam putat, non modo illi, qui est meritus, sed etiam illis, a quibus expectat (eget enim multis) gratum se videri studet: neque vero verbis auget suum munus, si quo forte
fungitur, sed etiam extenuat. Videndumque illud est, quod, 8
si opulentum fortunatumque defenderis, in uno illo aut forte in liberis ejus manet gratia; sin autem inopem, probum tamen et modestum, omnes non improbi humiles (quæ magna in populo multitudo est) præsidium sibi paratum vident.
Quamobrem melius apud bonos, quam apud fortunatos, be- 9
neficium collocari puto. Danda omnino opera est, ut omni 10
generi satis facere possimus: sed si res in contentionem ve-

niet, nimirum Themistocles est auctor adhibendus; qui cum
consuleretur, utrum bono viro pauperi, an minus probato di-
viti filiam collocaret: Ego vero, inquit, malo virum, qui pe-
11 cunia egeat, quam pecuniam, quæ viro. Sed corrupti mores
depravatique sunt admiratione divitiarum. Quarum magni-
12 tudo quid ad unumquemque nostrum pertinet? Illum for-
tasse adjuvat, qui habet: ne id quidem semper: sed fac ju-
13 vare; utentior sane sit; honestior vero quomodo? Quodsi
etiam bonus erit vir, ne impediant divitiæ, quominus juvetur,
modo ne adjuvent; sitque omne judicium, non quam locu-
14 ples, sed qualis quisque sit. Extremum autem præceptum
in beneficiis operaque danda, ne quid contra æquitatem con-
tendas, ne quid pro injuria. Fundamentum enim est perpe-
tuæ commendationis et famæ justitia, sine qua nihil potest
esse laudabile.

XXI. Sed quoniam de eo genere beneficiorum dictum est,
quæ ad singulos spectant: deinceps de iis, quæ ad universos,
2 quæque ad rem publicam pertinent, disputandum est. Eorum
autem ipsorum partim ejusmodi sunt, ut ad universos cives
pertineant, partim singulos ut attingant, quæ sunt etiam gra-
3 tiora. Danda opera est omnino, si possit, utrisque, nec mi-
nus, ut etiam singulis consulatur: sed ita, ut ea res aut pro-
4 sit, aut certe ne obsit rei publicæ. C. Gracchi frumentaria
magna largitio; exhauriebat igitur ærarium; modica M. Octa-
vii, et rei publicæ tolerabilis, et plebi necessaria, ergo et
5 civibus et rei publicæ salutaris. In primis autem videndum
erit ei, qui rem publicam administrabit, ut suum quisque te-
6 neat, neque de bonis privatorum publice deminutio fiat. Per-
niciose enim Philippus in tribunatu, cum legem agrariam fer-
ret, quam tamen antiquari facile passus est, et in eo vehe-
menter se moderatum praebuit: sed cum in agendo multa
populariter, tum illud male, non esse in civitate duo milia
7 hominum, qui rem haberent. Capitalis oratio, et ad æqua-
tionem bonorum pertinens: qua peste quæ potest esse ma-
8 jor? Hanc enim ob causam maxime, ut sua tuerentur, res
9 publicæ civitatesque constitutæ sunt. Nam etsi duce natura

congregabantur homines, tamen spe custodiæ rerum suarum
urbium præsidia quærebant. Danda etiam opera est, ne, 10
quod apud majores nostros sæpe fiebat, propter ærarii te-
nuitatem assiduitatemque bellorum, tributum sit conferen-
dum, idque ne eveniat, multo ante erit providendum. Sin 11
quæ necessitas hujus muneris alicui rei publicæ obvenerit,
(malo enim, quam nostræ ominari; neque tamen de nostra,
sed de omni re publica disputo) danda erit opera, ut omnes
intelligant, si salvi esse velint, necessitati esse parendum. 12
Atque etiam omnes, qui rem publicam gubernabunt, consu-
lere debebunt, ut earum rerum copia sit, quæ sunt necessa- 13
riæ. Quarum qualis comparatio fieri soleat et debeat, non
est necesse disputare: est enim in promptu; tantum locus
attingendus fuit.

Caput autem est in omni procuratione negotii et mune- 14
ris publici, ut avaritiæ pellatur etiam minima suspicio. *Uti-* 15
nam, inquit C. Pontius Samnis, *ad illa tempora me fortuna
reservasset, et tum essem natus, quando Romani dona accipere
cœpissent! non essem passus diutius eos imperare.* Næ illi
multa sæcula expectanda fuerunt: modo enim hoc malum 16
in hanc rem publicam invasit. Itaque facile patior, tum po-
tius Pontium fuisse, siquidem in illo tantum fuit roboris.
Nondum centum et decem anni sunt, cum de pecuniis repe- 17
tundis a L. Pisone lata lex est, nulla antea cum fuisset. At
vero postea tot leges, et proximæ quæque duriores, tot rei,
tot damnati, tantum Italicum bellum propter judiciorum me-
tum excitatum, tanta, sublatis legibus et judiciis, expilatio
direptioque sociorum, ut imbecillitate aliorum, non nostra
virtute valeamus.

XXII. Laudat Africanum Panætius, quod fuerit abstinens.
Quidni laudet? sed in illo alia majora. Laus abstinentiæ
non hominis est solum, sed etiam temporum illorum. Omni 2
Macedonum gaza, quæ fuit maxima, potitus Paullus tantum
in ærarium pecuniæ invexit, ut unius imperatoris præda
finem attulerit tributorum: at hic nihil domum suam intulit
præter memoriam nominis sempiternam. Imitatus patrem 3

4 Africanus nihilo locupletior Karthagine eversa. Quid? qui
ejus collega fuit in censura, L. Mummius, numquid copio-
sior, cum copiosissimam urbem funditus sustulisset? Italiam
ornare, quam domum suam, maluit. Quamquam Italia or-
5 nata, domus ipsa mihi videtur ornatior. Nullum igitur vitium
tætrius est (ut eo, unde egressa est, referat se oratio) quam
avaritia, præsertim in principibus rem publicam gubernanti-
6 bus. Habere enim quæstui rem publicam non modo turpe
7 est, sed sceleratum etiam et nefarium. Itaque quod Apollo
Pythius oraculum edidit, Spartam nulla re alia, nisi avaritia
esse perituram, id videtur non solum Lacedæmoniis, sed
8 etiam omnibus opulentis populis prædixisse. Nulla autem
re conciliare facilius benivolentiam multitudinis possunt ii,
qui rei publicæ præsunt, quam abstinentia et continentia.

9 Qui vero se populares volunt, ob eamque causam aut
agrariam rem tentant, ut possessores pellantur suis sedibus,
aut pecunias creditas debitoribus condonandas putant: labe-
factant fundamenta rei publicæ; concordiam primum, quæ
esse non potest, cum aliis adimuntur, aliis condonantur pe-
cuniæ; deinde æquitatem, quæ tollitur omnis, si habere suum
10 cuique non licet. Id enim est proprium (ut supra dixi) civi-
tatis atque urbis, ut si libera et non sollicita suæ rei cujusque
11 custodia. Atque in hac pernicie rei publicæ ne illam qui-
12 dem consequuntur, quam putant, gratiam. Nam cui res
erepta est, est inimicus: cui data est, etiam dissimulat, se
accipere voluisse: et maxime in pecuniis creditis occultat
13 suum gaudium, ne videatur non fuisse solvendo. At vero
ille, qui accepit injuriam, et meminit, et præ se fert dolorem
suum: nec, si plures sunt ii, quibus improbe datum est,
quam illi, quibus injuste ademptum est, idcirco plus etiam
valent. Non enim numero hæc judicantur, sed pondere.
14 Quam autem habet æquitatem, ut agrum multis annis, aut
etiam sæculis, ante possessum, qui nullum habuit, habeat:
qui autem habuit, amittat? XXIII. Ac propter hoc injuriæ
genus Lacedæmonii Lysandrum ephorum expulerunt; Agin
regem, quod nunquam antea apud eos acciderat, necaverunt.
2 Exque eo tempore tantæ discordiæ secutæ sunt, ut et ty-

ranni existerent, et optimates exterminarentur, et præcla-
rissime constituta res publica dilaberetur. Nec vero ipsa so- 3
lum cecidit, sed etiam reliquam Græciam evertit contagio-
nibus malorum, quæ a Lacedæmoniis profectæ manarunt
latius. Quid? nostros Gracchos, Ti. Gracchi, summi viri, 4
filios, Africani nepotes, nonne agrariæ contentiones perdi-
derunt? At vero Aratus Sicyonius jure laudatur, qui, cum 5
ejus civitas quinquaginta annos a tyrannis teneretur, pro-
fectus Argis Sicyonem, clandestino introitu urbe est potitus.
Cumque tyrannum Nicoclem improviso oppressisset, sexcen-
tos exules, qui locupletissimi fuerant ejus civitatis, restituit,
remque publicam adventu suo liberavit. Sed cum magnam 6
animadverteret in bonis et possessionibus difficultatem, quod
et eos, quos ipse restituerat, quorum bona alii possederant,
egere iniquissimum esse arbitrabatur, et quinquaginta anno-
rum possessiones movere non nimis æquum putabat, propter-
ea quod tam longo spatio multa hereditatibus, multa emptio-
nibus, multa dotibus tenebantur sine injuria: judicavit, ne-
que illis adimi, neque his non satisfieri, quorum illa fuerant,
oportere. Cum igitur statuisset, opus esse ad eam rem con- 7
stituendam pecunia, Alexandriam se proficisci velle dixit,
remque integram ad reditum suum jussit esse: isque celeriter
ad Ptolemæum, suum hospitem, venit, qui tum regnabat
alter post Alexandriam conditam: cui cum exposuisset pa- 8
triam se liberare velle, causamque docuisset, a rege opulento
vir summus facile impetravit, ut grandi pecunia adjuvaretur.
Quam cum Sicyonem attulisset, adhibuit sibi in consilium 9
quindecim principes, cum quibus causas cognovit et eorum,
qui aliena tenebant, et eorum, qui sua amiserant: perfecitque
æstimandis possessionibus, ut persuaderet aliis, ut pecuniam
accipere mallent, possessionibus cederent: aliis, ut commo-
dius putarent, numerari sibi, quod tanti esset, quam suum
recuperare. Ita perfectum est, ut omnes concordia constituta
sine querela discederent. O virum magnum, dignumque, qui 10
in re publica nostra natus esset! Sic par est agere cum civi-
bus, non (ut bis jam vidimus) hastam in foro ponere, et bona
civium voci subjicere præconis. At ille Græcus, id quod

fuit sapientis et præstantis viri, omnibus consulendum putavit
11 Eaque est summa ratio et sapientia boni civis, commoda civi-
um non divellere, atque omnes æquitate eadem continere.
12 Habitent gratis in alieno? Quid ita? Ut, cum ego eme-
rim, ædificarim, tuear, impendam, tu, me invito, fruare meo?
Quid est aliud aliis sua eripere, aliis dare aliena?

13 Tabulæ vero novæ quid habent argumenti, nisi ut emas mea
pecunia fundum; eum tu habeas, ego non habeam pecuni-
am? XXIV. Quam ob rem ne sit æs alienum, quod rei publi-
cæ noceat, providendum est; (quod multis rationibus caveri
potest:) non, si fuerit, ut locupletes suum perdant, debitores
2 lucrentur alienum. Nec enim ulla res vehementius rem pu-
blicam continet, quam fides: quæ esse nulla potest, nisi erit
3 necessaria solutio rerum creditarum. Nunquam vehementius
actum est, quam me consule, ne solveretur. Armis et castris
tentata res est ab omni genere hominum et ordine: quibus
ita restiti, ut hoc tantum malum de re publica tolleretur.
4 Nunquam nec majus æs alienum fuit; nec melius nec facilius
dissolutum est. Fraudandi enim spe sublata, solvendi neces-
5 sitas consecuta est. At vero hic nunc victor, tum quidem
victus, quæ cogitarat, ea perfecit, cum ejus jam nihil inter-
esset. Tanta in eo peccandi libido fuit, ut hoc ipsum eum
delectaret, peccare, etiamsi causa non esset.

6 Ab hoc igitur genere largitionis, ut aliis detur, aliis aufe-
ratur, aberunt ii, qui rem publicam tuebuntur: in primisque
operam dabunt, ut juris et judiciorum æquitate suum quis-
que teneat; et neque tenuiores propter humilitatem circum-
veniantur, neque locupletibus ad sua vel tenenda vel recu-
peranda obsit invidia: præterea quibuscunque rebus vel
belli vel domi poterunt, rem publicam augeant imperio, agris,
7 vectigalibus. Hæc magnorum hominum sunt: hæc apud
majores nostros factitata: hæc genera officiorum qui perse-
quuntur, cum summa utilitate rei publicæ magnam ipsi adi-
piscentur et gratiam et gloriam.

8 In his autem utilitatum præceptis Antipater Tyrius, Stoi-
cus, qui Athenis nuper est mortuus, duo præterita censet

esse a Panætio, valetudinis curationem, et pecuniæ. Quas
res a summo philosopho præteritas arbitror, quod essent fa-
ciles: sunt certe utiles. Sed valetudo sustentatur notitia sui 9
corporis; et observatione, quæ res aut prodesse soleant, aut
obesse; et continentia in victu omni atque cultu, corporis
tuendi causa; et prætermittendis voluptatibus; postremo arte
eorum, quorum ad scientiam hæc pertinent. Res autem fa- 10
miliaris quæri debet iis rebus, a quibus abest turpitudo: con-
servari autem diligentia et parsimonia: eisdem etiam rebus
augeri. Has res commodissime Xenophon Socraticus perse- 11
cutus est in eo libro, qui Œconomicus inscribitur: quem nos
ista fere ætate cum essemus, qua es tu nunc, e Græco in
Latinum convertimus.

XXV. Sed *utilitatum comparatio*, quoniam hic locus
erat quartus, a Panætio prætermissus, sæpe est necessaria.
Nam et corporis commoda cum externis, et externa cum corpo- 2
ris, et ipsa inter se corporis, et externa cum externis comparari
solent. Cum externis corporis hoc modo comparantur, va-
lere ut malis, quam dives esse; cum corporis externa hoc 3
modo, dives esse potius, quam maximis corporis viribus;
ipsa inter se corporis sic, ut bona valetudo voluptati ante-
ponatur, vires celeritati; externorum autem, ut gloria divi- 4
tiis, vectigalia urbana rusticis. Ex quo genere comparationis 5
illud est Catonis senis; a quo cum quæreretur, quid maxime
in re familiari expediret, respondit, bene pascere. Quid se-
cundum? Satis bene pascere. Quid tertium? Male pascere.
Quid quartum? Arare. Et, cum ille, qui quæsierat, dixisset,
Quid fenerari? tum Cato, Quid hominem, inquit, occidere?
Ex quo et multis aliis intelligi debet, utilitatum compara- 6
tiones fieri solere, recteque hoc adjunctum esse quartum ex-
quirendorum officiorum genus. Sed toto hoc de genere, 7
de quærenda, de collocanda pecunia, vellem etiam de utenda,
commodius a quibusdam optimis viris ad Janum medium se-
dentibus, quam ab ullis philosophis ulla in schola disputatur.
Sunt tamen ea cognoscenda; pertinent enim ad utilitatem, de 8
qua hoc libro disputatum est. Reliqua deinceps persequemur.

LIBER TERTIUS.

I. Publium Scipionem, Marce fili, eum, qui primus Afri-
canus appellatus est, dicere solitum scripsit Cato, qui fuit fere
ejus æqualis, *Nunquam se minus otiosum esse, quam cum otio-*
2 *sus, nec minus solum, quam cum solus esset.* Magnifica vero vox
et magno viro ac sapiente digna: quæ declarat, illum et in otio
de negotiis cogitare et in solitudine secum loqui solitum; ut
neque cessaret unquam, et interdum colloquio alterius non
egeret. Itaque duæ res, quæ languorem afferunt ceteris, il-
3 lum acuebant, otium et solitudo. Vellem nobis hoc idem di-
cere liceret: sed si minus imitatione tantam ingenii præstan-
tiam consequi possumus, voluntate certe proxime accedimus.
4 Nam et a re publica forensibusque negotiis armis impiis vi-
que prohibiti, otium persequimur: et ob eam causam, urbe
5 relicta, rura peragrantes, sæpe soli sumus. Sed nec hoc
otium cum Africani otio, nec hæc solitudo cum illa compa-
6 randa est. Ille enim requiescens a rei publicæ pulcherrimis
muneribus otium sibi sumebat aliquando, et a cœtu homi-
num frequentiaque interdum, tamquam in portum, se in so-
7 litudinem recipiebat. Nostrum autem otium negotii inopia,
non requiescendi studio, constitutum est. Extincto enim se-
natu deletisque judiciis, quid est, quod dignum nobis aut in
8 curia aut in foro agere possimus? Ita, qui in maxima cele-
britate atque in oculis civium quondam vixerimus, nunc fu-
gientes conspectum sceleratorum, quibus omnia redundant,
9 abdimus nos, quantum licet, et sæpe soli sumus. Sed quia
sic ab hominibus doctis accepimus, non solum ex malis eli-
gere minima oportere; sed etiam excerpere ex his ipsis, si
quid inesset boni: propterea et otio fruor, non illo quidem,
quo debebat is, qui quondam peperisset otium civitati; nec

eam solitudinem languere patior, quam mihi adfert necessi-
tas, non voluntas. Quamquam Africanus majorem laudem 10
meo judicio assequebatur. Nulla enim ejus ingenii monu- 11
menta mandata litteris, nullum opus otii, nullum solitudinis
munus extat. Ex quo intelligi debet, illum mentis agita-
tione investigationeque earum rerum, quas cogitando conse-
quebatur, neque otiosum nec solum unquam fuisse. Nos
autem, qui non tantum roboris habemus, ut cogitatione tacita
a solitudine abstrahamur, ad hanc scribendi operam omne
studium curamque convertimus. Itaque plura brevi tempore 12
eversa, quam multis annis stante re publica, scripsimus.

II. Sed cum tota philosophia, mi Cicero, frugifera et fru-
ctuosa, nec ulla pars ejus inculta ac deserta sit: tum nullus
feracior in ea locus est nec uberior, quam de officiis, a qui-
bus constanter honesteque vivendi præcepta ducuntur. Quare 2
quamquam a Cratippo nostro, principe hujus memoriæ phi-
losophorum, hæc te assidue audire atque accipere confido:
tamen conducere arbitror, talibus aures tuas vocibus undique
circumsonare; nec eas, si fieri possit, quicquam aliud audire.
Quod cum omnibus est faciendum, qui vitam honestam in- 3
gredi cogitant, tum haud scio an nemini potius, quam tibi.
Sustines enim non parvam expectationem imitandæ indu- 4
striæ nostræ, magnam honorum, nonnullam fortasse nomi-
nis. Suscepisti onus præterea grave et Athenarum et Cra- 5
tippi: ad quos cum tamquam ad mercaturam bonarum ar-
tium sis profectus, inanem redire turpissimum est, dedeco-
rantem et urbis auctoritatem et magistri. Quare quantum 6
conniti animo potes, quantum labore contendere (si discendi
labor est potius, quam voluptas) tantum fac ut efficias: neve
committas, ut, cum omnia suppeditata sint a nobis, tute tibi
defuisse videare. Sed hæc hactenus. Multa enim sæpe ad 7
te cohortandi gratia scripsimus. Nunc ad reliquam partem
propositæ divisionis revertamur.

Panætius igitur, qui sine controversia de officiis ac- 8
curatissime disputavit, quemque nos, correctione quadam ad-
hibita, potissimum secuti sumus, tribus generibus propositis,

in quibus deliberare homines et consultare de officio sole-
rent; uno, cum dubitarent, honestumne id esset, de quo age-
retur, an turpe: altero, utilene esset, an inutile: tertio, si id,
quod speciem haberet honesti, pugnaret cum eo, quod utile
videretur, quo modo ea discerni oporteret: de duobus gene-
ribus primis tribus libris explicavit: de tertio autem genere
deinceps se scripsit dicturum, nec exsolvit, quod promiserat.
9 Quod eo magis miror, quia scriptum a discipulo ejus Posidonio
est, triginta annis vixisse Panætium, posteaquam illos libros
10 edidisset. Quem locum miror a Posidonio breviter esse ta-
ctum in quibusdam commentariis, præsertim cum scribat, nul-
11 lum esse locum in tota philosophia tam necessarium. Minime
vero assentior iis, qui negant, eum locum a Panætio præter-
missum, sed consulto relictum, nec omnino scribendum fuisse:
12 quia nunquam posset utilitas cum honestate pugnare. De
quo alterum potest habere dubitationem, adhibendumne fue-
rit hoc genus, quod in divisione Panætii tertium est, an
plane omittendum: alterum dubitari non potest, quin a Pa-
13 nætio susceptum sit, sed relictum. Nam qui e divisione tri-
pertita duas partes absolverit, huic necesse est restare ter-
tiam. Præterea in extremo libro tertio de hac parte pollicetur
14 se deinceps esse dicturum. Accedit eodem testis locuples,
Posidonius, qui etiam scribit in quadam epistola, P. Rutilium
Rufum dicere solere, qui Panætium audierat, ut nemo pictor
esset inventus, qui Coæ Veneris eam partem, quam Apelles
inchoatam reliquisset, absolveret (oris enim pulchritudo reli-
qui corporis imitandi spem auferebat) sic ea, quæ Panætius
prætermisisset et non perfecisset, propter eorum, quæ perfe-
cisset, præstantiam neminem esse persecutum.

III. Quam ob rem de judicio Panætii dubitari non potest:
rectene autem hanc tertiam partem ad exquirendum officium
2 adjunxerit, an secus, de eo fortasse disputari potest. Nam
sive honestum solum bonum est, ut Stoicis placet; sive quod
honestum est, id ita summum bonum est, quemadmodum
Peripateticis vestris videtur, ut omnia ex altera parte collocata
vix minimi momenti instar habeant: dubitandum non est,

quin nunquam possit utilitas cum honestate contendere. Ita- 3
que accepimus, Socratem execrari solitum eos, qui primum
hæc, natura cohærentia, opinione distraxissent. Cui quidem 4
ita sunt Stoici assensi, ut et quicquid honestum esset, id
utile esse censerent; nec utile quicquam, quod non hone-
stum. Quodsi is esset Panætius, qui virtutem propterea co- 5
lendam diceret, quod ea efficiens utilitatis esset; ut ii, qui
res expetendas vel voluptate vel indolentia metiuntur: liceret
ei dicere, utilitatem aliquando cum honestate pugnare. Sed 6
cum sit is, qui id solum bonum judicet, quod honestum sit;
quæ autem huic repugnent specie quadam utilitatis, eorum
neque accessione meliorem vitam fieri, nec decessione pejo-
rem: non videtur ejus modi debuisse deliberationem intro-
ducere, in qua, quod utile videretur, cum eo, quod honestum
est, compararetur. Etenim quod summum bonum a Stoicis di- 7
citur, convenienter naturæ vivere, id habet hanc, ut opinor,
sententiam, cum virtute congruere semper; cetera autem,
quæ secundum naturam essent, ita legere, si ea virtuti non
repugnarent. Quod cum ita sit, putant quidam, hanc com- 8
parationem non recte introductam, nec omnino de eo genere
quicquam præcipiendum fuisse.

Atque illud quidem honestum, quod proprie vereque di- 9
citur, id in sapientibus est solis, neque a virtute divelli un-
quam potest. In iis autem, in quibus sapientia perfecta non
est, ipsum illud quidem perfectum honestum nullo modo, si-
militudines honesti esse possunt. Hæc enim omnia officia, 10
de quibus his libris disputamus, media Stoici appellant: ea
communia sunt, et late patent: quæ et ingenii bonitate multi
assequuntur et progressione discendi. Illud autem officium, 11
quod rectum iidem appellant, perfectum atque absolutum est,
et, ut iidem dicunt, omnes numeros habet; nec, præter sa-
pientem, cadere in quemquam potest. Cum autem aliquid 12
actum est, in quo media officia compareant, id cumulate vi-
detur esse perfectum, propterea quod vulgus, quid absit a
perfecto, non fere intelligit, quatenus autem intelligit, nihil
putat prætermissum. Quod idem in poëmatis, in picturis 13
usu venit, in aliisque compluribus, ut delectentur imperiti

laudentque ea, quæ laudanda non sint, ob eam, credo, cau-
sam, quod insit in his aliquid probi, quod capiat ignaros, qui
quidem, quid in unaquaque re vitii sit, nequeant judi-
care. Itaque cum sunt docti a peritis, desistunt facile sen-
tentia. IV. Hæc igitur officia, de quibus his libris disseri-
mus, quasi secunda quædam honesta esse dicunt, non sapien-
tium modo propria, sed cum omni hominum genere communia.
Itaque his omnes, in quibus est virtutis indoles, commoven-
2 tur. Nec vero cum duo Decii aut duo Scipiones fortes viri
commemorantur, aut cum Fabricius aut Aristides justus no-
minatur, aut ab illis fortitudinis, aut ab his justitiae, tam-
3 quam a sapiente, petitur exemplum. Nemo enim horum sic
sapiens, ut sapientem volumus intelligi; nec ii, qui sapientes
habiti et nominati, M. Cato et C. Lælius, sapientes fuerunt;
ne illi quidem septem: sed ex mediorum officiorum frequen-
4 tia similitudinem quandam gerebant speciemque sapientium.
Quocirca nec id, quod vere honestum est, fas est cum utili-
tatis repugnantia comparari: nec id, quod communiter appel-
lamus honestum, quod colitur ab iis, qui bonos se viros ha-
beri volunt, cum emolumentis unquam est comparandum.
5 Tamque id honestum, quod in nostram intelligentiam cadit,
tuendum conservandumque nobis est, quam illud, quod pro-
6 prie dicitur vereque est honestum, sapientibus. Aliter enim
teneri non potest, si qua ad virtutem est facta progressio.
Sed hæc quidem de iis, qui conservatione officiorum exis-
7 timantur boni. Qui autem omnia metiuntur emolumentis et
commodis, neque ea volunt præponderari honestate, ii solent
in deliberando honestum cum eo, quod utile putant, compa-
8 rare: boni viri non solent. Itaque existimo, Panætium, cum
dixerit, homines solere in hac comparatione dubitare, hoc
ipsum sensisse, quod dixerit, solere modo, non etiam opor-
9 tere. Etenim non modo pluris putare quod utile videatur,
quam quod honestum, sed hæc etiam inter se comparare et
in his addubitare, turpissimum est.

10 Quid ergo est, quod nonnunquam dubitationem afferre
soleat considerandumque videatur? Credo, si quando dubi-

tatio accidit, quale sit id, de quo consideretur. Sæpe enim- 11
tempore fit, ut, quod turpe plerumque haberi soleat, invenia-
tur non esse turpe. Exempli causa ponatur aliquid, quod
pateat latius. Quod potest majus esse scelus, quam non modo 12
hominem, sed etiam familiarem hominem occidere? Num
igitur se astrinxit scelere, si qui tyrannum occidit, quamvis
familiarem? Populo quidem Romano non videtur, qui ex 13
omnibus præclaris factis illud pulcherrimum existimat. Vicit
ergo utilitas honestatem? Immo vero honestatem utilitas est
consecuta.

Itaque, ut sine ullo errore dijudicare possimus, si quando 14
cum illo, quod honestum intelligimus, pugnare id videbitur,
quod appellamus utile, formula quædam constituenda est,
quam si sequemur in comparatione rerum, ab officio nun-
quam recedemus. Erit autem hæc formula Stoicorum rationi 15
disciplinæque maxime consentanea: quam quidem his libris
propterea sequimur, quod, quamquam et a veteribus Acade-
micis et a Peripateticis vestris, qui quondam iidem erant, quæ
honesta sunt anteponuntur iis, quæ videntur utilia; tamen
splendidius hæc ab eis disseruntur, quibus, *quicquid ho-
nestum est, idem utile* videtur, *nec utile quic-
quam, quod non honestum*; quam ab iis, quibus
aut honestum aliquid non utile, aut utile non honestum. No- 16
bis autem nostra Academia magnam licentiam dat, ut quod-
cunque maxime probabile occurrat, id nostro jure liceat de-
fendere. Sed redeo ad formulam.

V. Detrahere igitur alteri aliquid, et hominem hominis in-
commodo suum augere commodum, magis est contra natu-
ram, quam mors, quam paupertas, quam dolor, quam cetera,
quæ possunt aut corpori accidere aut rebus externis. Nam 2
principio tollit convictum humanum et societatem. Si enim sic
erimus affecti, ut propter suum quisque emolumentum spo-
liet aut violet alterum, dirumpi necesse est eam, quæ maxime
est secundum naturam, humani generis societatem. Ut, si 3
unumquodque membrum sensum hunc haberet, ut posse pu-

taret se valere, si proximi membri valetudinem ad se tra-
duxisset, debilitari et interire totum corpus necesse esset: sic,
si unus quisque nostrum ad se rapiat commoda aliorum, de-
trahatque quod cuique possit, emolumenti sui gratia, societas
4 hominum et communitas evertatur necesse est. Nam sibi ut
quisque malit, quod ad usum vitæ pertineat, quam alteri ac-
quirere, concessum est, non repugnante natura: illud natura
non patitur, ut aliorum spoliis nostras facultates, copias, opes
5 augeamus. Neque vero hoc solum natura, id est jure gen-
tium, sed etiam legibus populorum, quibus in singulis civita-
tibus res publica continetur, eodem modo constitutum est, ut
6 non liceat sui commodi causa nocere alteri. Hoc enim spe-
ctant leges, hoc volunt, incolumem esse civium conjunctionem:
quam qui dirimunt, eos morte, exilio, vinclis, damno coërcent.
7 Atque hoc multo magis efficit ipsa naturæ ratio, quæ est
lex divina et humana, cui parere qui velit (omnes autem pa-
rebunt, qui secundum naturam volent vivere) nunquam com-
mittet, ut alienum appetat, et id, quod alteri detraxerit, sibi
8 assumat. Etenim multo magis est secundum naturam excel-
sitas animi et magnitudo, itemque communitas, justitia, libe-
ralitas, quam voluptas, quam vita, quam divitiæ: quæ qui-
dem contemnere et pro nihilo ducere, comparantem cum uti-
9 litate communi, magni animi et excelsi est. Detrahere autem
de altero sui commodi causa, magis est contra naturam, quam
10 mors, quam dolor, quam cetera generis ejusdem. Itemque
magis est secundum naturam, pro omnibus gentibus, si fieri
possit, conservandis aut juvandis maximos labores molestias-
que suscipere, imitantem Herculem illum, quem hominum
fama, beneficiorum memor, in concilio cœlestium collocavit,
quam vivere in solitudine, non modo sine ullis molestiis, sed
etiam in maximis voluptatibus, abundantem omnibus copiis,
11 ut excellas etiam pulchritudine et viribus. Quocirca optimo
quisque et splendidissimo ingenio longe illam vitam huic
12 anteponit. Ex quo efficitur, hominem naturæ obedientem
13 homini nocere non posse. Deinde qui alterum violat, ut ipse
aliquid commodi consequatur, aut nihil existimat se facere
contra naturam; aut magis fugiendam censet mortem, pau-

pertatem, dolorem, amissionem etiam liberorum, propinquo-
rum, amicorum, quam facere cuipiam injuriam. Si nihil 14
existimat contra naturam fieri hominibus violandis, quid cum
eo disseras, qui omnino hominem ex homine tollat? Sin fu- 15
giendum id quidem censet, sed multo illa pejora, mortem,
paupertatem, dolorem; errat in eo, quod ullum aut corporis
aut fortunæ vitium vitiis animi gravius existimat.

VI. Ergo unum debet esse omnibus propositum, ut *eadem
sit utilitas uniuscujusque et universorum*: quam
si ad se quisque rapiet, dissolvetur omnis humana consortio.
Atque etiam, si hoc natura præscribit, ut homo homini, qui- 2
cunque sit, ob eam ipsam causam, quod is homo sit, consul-
tum velit, necesse est secundum eandem naturam omnium
utilitatem esse communem. Quod si ita est, una continemur 3
omnes et eadem lege naturæ: idque ipsum si ita est, certe
violare alterum naturæ lege prohibemur. Verum autem pri-
mum, verum igitur extremum. Nam illud quidem absurdum 4
est, quod quidam dicunt, parenti se aut fratri nihil detracturos
sui commodi causa; aliam rationem esse civium reliquorum.
Hi sibi nihil juris, nullam societatem communis utilitatis 5
causa statuunt esse cum civibus; quæ sententia omnem so-
cietatem distrahit civitatis. Qui autem civium rationem di- 6
cunt habendam, externorum negant, ii dirimunt communem
humani generis societatem; qua sublata, beneficentia, libera-
litas, bonitas, justitia funditus tollitur. Quæ qui tollunt,
etiam adversus deos immortales impii judicandi sunt. Ab iis 7
enim constitutam inter homines societatem evertunt: cujus
societatis artissimum vinculum est, magis arbitrari esse con-
tra naturam, hominem homini detrahere sui commodi causa,
quam omnia incommoda subire vel externa, vel corporis, vel
etiam ipsius animi, quæ vacent injustitia. Hæc enim una 8
virtus omnium est domina et regina virtutum. Forsitan quis-
piam dixerit: Nonne igitur sapiens, si fame ipse conficiatur,
abstulerit cibum alteri, homini ad nullam rem utili? Minime
vero. Non enim mihi est vita mea utilior, quam animi talis 9
affectio, neminem ut violem commodi mei gratia. Quid? si

10 Phalarim, crudelem tyrannum et immanem vir bonus, ne
ipse frigore conficiatur, vestitu spoliare possit, nonne faciat?
11 Hæc ad judicandum sunt facillima. Nam si quid ab homine
ad nullam partem utili, utilitatis tuæ causa detraxeris, inhu-
mane feceris contraque naturæ legem: sin autem is tu sis,
qui multam utilitatem rei publicæ atque hominum societati,
si in vita remaneas, afferre possis, si quid ob eam causam
12 alteri detraxeris, non sit reprehendendum. Sin autem id
non sit ejus modi, suum cuique incommodum ferendum est
13 potius, quam de alterius commodis detrahendum. Non igi-
tur magis est contra naturam morbus aut egestas aut quid
ejus modi, quam detractio atque appetitio alieni: sed commu-
nis utilitatis derelictio contra naturam est; est enim injusta.
14 Itaque lex ipsa naturæ, quæ utilitatem hominum conservat
et continet, decernit profecto, ut ab homine inerti atque inu-
tili ad sapientem, bonum, fortem virum transferantur res ad
vivendum necessariæ; qui, si occiderit, multum de communi
utilitate detraxerit: modo hoc ita faciat, ut ne ipse de se bene
existimans seseque diligens hanc causam habeat ad injuriam.
15 Ita semper officio fungetur, utilitati consulens hominum, et ei,
16 quam sæpe commemoro, humanæ societati. Nam quod ad
Phalarim attinet, perfacile judicium est. Nulla enim societas
17 nobis cum tyrannis, et potius summa distractio est: neque est
contra naturam, spoliare eum, si possis, quem est honestum
necare: atque hoc omne genus pestiferum atque impium ex
18 hominum communitate exterminandum est. Etenim ut mem-
bra quædam amputantur, si et ipsa sanguine et tamquam spi-
ritu carere cœperunt, et nocent reliquis partibus corporis:
sic ista in figura hominis feritas et immanitas beluæ, a com-
19 muni tamquam humanitatis corpore segreganda est. Hujus
generis quæstiones sunt omnes eæ, in quibus ex tempore
officium exquiritur.

VII. Ejus modi igitur credo res Panætium persecuturum fu-
isse, nisi aliqui casus aut occupatio consilium ejus peremisset.
2 Ad quas ipsas consultationes ex superioribus libris satis multa
præcepta sunt, quibus perspici possit, quid sit propter turpi-

tudinem fugiendum; quid sit, quod idcirco fugiendum non
sit, quod omnino turpe non est. Sed quoniam operi inchoato, 3
prope tamen absoluto, tamquam fastigium imponimus: ut geo-
metræ solent non omnia docere, sed postulare, ut quædam
sibi concedantur, quo facilius, quæ volunt, explicent: sic ego
a te postulo, mi Cicero, ut mihi concedas, si potes, nihil, præ-
ter id, quod honestum sit, propter se esse expetendum. Sin 4
hoc non licet per Cratippum, at illud certe dabis, quod ho-
nestum sit, id esse maxime propter se expetendum. Mihi
utrumvis satis est: et tum hoc, tum illud probabilius videtur,
nec præterea quicquam probabile. Ac primum in hoc Pa- 5
nætius defendendus est, quod non utilia cum honestis pu-
gnare aliquando posse dixerit (neque enim ei fas erat) sed ea,
quæ viderentur utilia. Nihil vero utile, quod non idem ho- 6
nestum: nihil honestum, quod non idem utile sit, sæpe te-
statur: negatque ullam pestem majorem in vitam hominum
invasisse, quam eorum opinionem, qui ista distraxerint. Ita- 7
que non ut aliquando anteponeremus utilia honestis, sed ut
ea sine errore dijudicaremus, si quando incidissent, induxit
eam, quæ videretur esse, non quæ esset, repugnantiam. Hanc 8
igitur partem relictam explebimus, nullis adminiculis, sed, ut
dicitur, Marte nostro. Neque enim quicquam est de hac 9
parte post Panætium explicatum, quod quidem mihi probare-
tur, de iis, quæ in manus meas venerint.

VIII. Cum igitur aliqua species utilitatis objecta est, com-
moveri necesse est: sed si, cum animum attenderis, turpitu-
dinem videas adjunctam ei rei, quæ speciem utilitatis attule-
rit, tum non utilitas relinquenda est, sed intelligendum, ubi
turpitudo sit, ibi utilitatem esse non posse. Quodsi nihil est 2
tam contra naturam, quam turpitudo (recta enim et conve-
nientia et constantia natura desiderat, aspernaturque contra-
ria) nihilque tam secundum naturam, quam utilitas; certe in
eadem re utilitas et turpitudo esse non potest. Itemque si 3
ad honestatem nati sumus, eaque aut sola expetenda est, ut
Zenoni visum est, aut certe omni pondere gravior habenda
quam reliqua omnia, quod Aristoteli placet; necesse est, quod

honestum sit, id esse aut solum aut summum bonum: quod autem oonum, id certe utile: ita quicquid honestum, id utile.
4 Quare error hominum non proborum, cum aliquid, quod utile
5 visum est, arripuit, id continuo secernit ab honesto. Hinc sicæ, hinc venena, hinc falsa testamenta nascuntur: hinc furta, peculatus, expilationes direptionesque sociorum et civium; hinc opum nimiarum potentiæ non ferendæ; postremo etiam in liberis civitatibus regnandi existunt cupiditates, quibus ni-
6 hil nec tætrius, nec fœdius excogitari potest. Emolumenta enim rerum fallacibus judiciis vident: pœnam, non dico legum, quam sæpe perrumpunt, sed ipsius turpitudinis, quæ
7 acerbissima est, non vident. Quamobrem hoc quidem deliberantium genus pellatur e medio (est enim totum sceleratum et impium) qui deliberant, utrum id sequantur, quod honestum esse videant, an se scientes scelere contaminent. In ipsa enim dubitatione facinus inest, etiamsi ad id non perve-
8 nerint. Ergo ea deliberanda omnino non sunt, in quibus est turpis ipsa deliberatio.

9 Atque etiam ex omni deliberatione celandi et occultandi spes opinioque removenda est. Satis enim nobis, si modo in philosophia aliquid profecimus, persuasum esse debet, si omnes deos hominesque celare possimus, nihil tamen avare, nihil injuste, nihil libidinose, nihil incontinenter esse faciendum. IX. Hinc ille Gyges inducitur a Platone: qui, cum terra discessisset magnis quibusdam imbribus, descendit in illum hiatum, æneumque equum, ut ferunt fabulæ, animadvertit, cujus in lateribus fores essent: quibus apertis corpus hominis mortui vidit magnitudine inusitata, anulumque aureum in digito: quem ut detraxit, ipse induit (erat autem re-
2 gius pastor) tum in concilium se pastorum recepit. Ibi cum palam ejus anuli ad palmam converterat, a nullo videbatur, ipse autem omnia videbat. Idem rursus videbatur, cum in
3 locum anulum inverterat. Itaque hac opportunitate anuli usus, reginæ stuprum intulit, eaque adjutrice regem dominum interemit, sustulit quos obstare arbitrabatur: nec in his eum facinoribus quisquam potuit videre. Sic repente anuli
4 beneficio rex exortus est Lydiæ. Hunc igitur ipsum anulum

si habeat sapiens, nihilo plus sibi licere putet peccare, quam
si non haberet. Honesta enim bonis viris, non occulta quæ-
runtur. Atque hoc loco philosophi quidam, minime mali illi 5
quidem, sed non satis acuti, fictam et commenticiam fabulam
prolatam dicunt a Platone: quasi vero ille, aut factum id
esse, aut fieri potuisse defendat. Hæc est vis hujus anuli 6
et hujus exempli, si nemo sciturus, nemo ne suspicaturus
quidem sit, cum aliquid divitiarum, potentiæ, dominationis,
libidinis causa feceris, si id diis hominibusque futurum sit
semper ignotum, sisne facturus. Negant id fieri posse. Quam- 7
quam potest id quidem: sed quæro, quod negant posse, id
si posset, quidnam facerent? Urgent rustice sane: negant 8
enim posse, et in eo perstant. Hoc verbum quid valeat, non
vident. Cum enim quærimus, si celare possint, quid facturi 9
sint, non quærimus, possintne celare; sed tamquam tormenta
quædam adhibemus, ut, si responderint, se, impunitate pro-
posita, facturos quod expediat, facinorosos se esse fateantur:
si negent, omnia turpia per se ipsa fugienda esse concedant.
Sed jam ad propositum revertamur.

X. Incidunt multæ sæpe causæ, quæ conturbent animos
utilitatis specie; non, cum hoc deliberetur, relinquendane sit
honestas propter utilitatis magnitudinem (nam id quidem im-
probum est) sed illud, possitne id, quod utile videatur, fieri
non turpiter. Cum Collatino collegæ Brutus imperium abro- 2
gabat, poterat videri facere injuste. Fuerat enim in regibus
expellendis socius Bruti consiliorum et adjutor. Cum autem
consilium hoc principes cepissent, cognationem Superbi no-
menque Tarquiniorum et memoriam regni esse tollendam:
quod erat utile, patriæ consulere, id erat ita honestum, ut
etiam ipsi Collatino placere deberet. Itaque utilitas valuit 3
propter honestatem, sine qua ne utilitas quidem esse po-
tuisset. At in eo rege, qui urbem condidit, non item. Spe- 4
cies enim utilitatis animum pepulit ejus: cui cum visum esset
utilius, solum, quam cum altero regnare, fratrem interemit.
Omisit hic et pietatem et humanitatem, ut id, quod utile 5
videbatur, neque erat, assequi posset: et tamen muri causam

opposuit, speciem honestatis neque probabilem, nec sane
idoneam. Peccavit igitur, pace vel Quirini vel Romuli dixe-
6 rim. Nec tamen nostræ nobis utilitates omittendæ sunt,
aliisque tradendæ, cum his ipsi egeamus: sed suæ cuique
7 utilitati, quod sine alterius injuria fiat, serviendum est. Scite
Chrysippus, ut multa: Qui stadium, inquit, currit, eniti et
contendere debet, quam maxime possit, ut vincat; supplan-
tare eum, quicum certet, aut manu depellere, nullo modo
debet. Sic in vita sibi quemque petere, quod pertineat ad
usum, non iniquum est; alteri deripere, jus non est.
8 Maxime autem perturbantur officia in amicitiis; quibus
et non tribuere, quod recte possis, et tribuere, quod non sit
9 æquum, contra officium est. Sed hujus generis totius breve
et non difficile præceptum est. Quæ enim videntur utilia,
honores, divitiæ, voluptates, cetera generis ejusdem, hæc
10 amicitiæ nunquam anteponenda sunt. At neque contra rem-
publicam, neque contra jus jurandum ac fidem, amici causa,
vir bonus faciet; ne si judex quidem erit de ipso amico. Po-
11 nit enim personam amici, cum induit judicis. Tantum dabit
amicitiæ, ut veram amici causam esse malit: ut orandæ litis
12 tempus, quoad per leges liceat, accommodet. Cum vero ju-
rato sententia dicenda sit, meminerit, deum se adhibere te-
stem, id est, ut ego arbitror, mentem suam, qua nihil ho-
13 mini dedit deus ipse divinius. Itaque præclarum a majori-
bus accepimus morem rogandi judicis, si eum teneremus,
quæ salva fide facere possit. Hæc rogatio ad ea pertinet,
quæ paulo ante dixi honeste amico a judice posse concedi.
14 Nam si omnia facienda sint, quæ amici velint: non amici-
15 tiæ tales, sed conjurationes putandæ sint. Loquor autem
de communibus amicitiis. Nam in sapientibus viris perfectis-
16 que nihil potest esse tale. Damonem et Phintiam, Pythago-
reos, ferunt hoc animo inter se fuisse, ut, cum eorum alteri
Dionysius tyrannus diem necis destinavisset, et is, qui morti
addictus esset, paucos sibi dies commendandorum suorum
causa postulavisset: vas factus est alter ejus sistendi; ut, si
17 ille non revertisset, moriendum esset ipsi. Qui cum ad diem
se recepisset, admiratus eorum fidem tyrannus, petivit, ut se

ad amicitiam tertium adscriberent. Cum igitur id, quod utile 18
videtur in amicitia, cum eo, quod honestum est, compara-
tur, jaceat utilitatis species, valeat honestas. Cum autem in 19
amicitia, quæ honesta non sunt, postulabuntur, religio et fides
anteponatur amicitiæ. Sic habebitur is, quem exquirimus.
delectus officii.

XI. Sed utilitatis specie *in re publica* sæpissime pec-
catur, ut in Corinthi disturbatione nostri. Durius etiam Athe-
nienses, qui sciverunt, ut Æginetis, qui classe valebant, pol-
lices præciderentur. Hoc visum est utile. Nimis enim im- 2
minebat, propter propinquitatem, Ægina Piræeo. Sed nihil,
quod crudele, utile. Est enim hominum naturæ, quam sequi
debemus, maxime inimica crudelitas. Male etiam qui pere- 3
grinos urbibus uti prohibent, eosque exterminant, ut Pennus
apud patres nostros, Papius nuper. Nam esse pro cive, qui 4
civis non sit, rectum est non licere: quam legem tulerunt
sapientissimi consules Crassus et Scævola: usu vero urbis
prohibere peregrinos sane inhumanum est. Illa præclara, in 5
quibus publicæ utilitatis species præ honestate contemnitur.
Plena exemplorum est nostra res publica, cum sæpe, tum 6
maxime bello Punico secundo: quæ, Cannensi calamitate
accepta, majores animos habuit, quam unquam rebus secun-
dis. Nulla timoris significatio, nulla mentio pacis. Tanta vis 7
est honesti, ut speciem utilitatis obscuret. Athenienses cum 8
Persarum impetum nullo modo possent sustinere, statuerent-
que, ut urbe relicta, conjugibus et liberis Trœzene depositis,
naves conscenderent, libertatemque Græciæ classe defende-
rent; Cyrsilum quemdam suadentem, ut in urbe manerent,
Xerxemque reciperent, lapidibus cooperuerunt. Atqui ille 9
utilitatem sequi videbatur: sed ea nulla erat repugnante ho-
nestate. Themistocles post victoriam ejus belli, quod cum 10
Persis fuit, dixit in concione, se habere consilium rei publi-
cæ salutare, sed id sciri non opus esse. Postulavit, ut ali-
quem populus daret, quicum communicaret. Datus est Ari- 11
stides. Huic ille, classem Lacedæmoniorum, quæ subducta
esset ad Gytheum, clam incendi posse: quo facto frangi La-

12 cedæmoniorum opes necesse esset. Quod Aristides cum au-
disset, in concionem magna expectatione venit, dixitque,
perutile esse consilium, quod Themistocles afferret, sed mi-
nime honestum. Itaque Athenienses, quod honestum non
esset, id ne utile quidem putaverunt: totamque eam rem, quam
13 ne audierant quidem, auctore Aristide repudiaverunt. Melius
hi, quam nos, qui piratas immunes, socios vectigales habemus.

XII. Maneat ergo, quod turpe sit, id nunquam esse utile;
ne tum quidem, cum id, quod esse utile putes, adipiscare.
Hoc enim ipsum utile putare, quod turpe sit, calamitosum est.
2 Sed incidunt, ut supra dixi, sæpe causæ, cum repugnare uti-
litas honestati videatur, ut animadvertendum sit, repugnetne
3 plane, an possit cum honestate conjungi. Ejus generis hæ
sunt quæstiones: Si, exempli gratia, vir bonus Alexandrea
Rhodum magnum frumenti numerum advexerit in Rhodio-
rum inopia et fame summaque annonæ caritate; si idem
sciat, complures mercatores Alexandrea solvisse, navesque
in cursu, frumento onustas, petentes Rhodum viderit: dictu-
rusne sit id Rhodiis, an silentio suum quam plurimo vendi-
4 turus? Sapientem et bonum virum fingimus: de ejus deli-
beratione et consultatione quærimus, qui celaturus Rhodios
non sit, si id turpe judicet, sed dubitet, an turpe non sit.
5 In hujusmodi causis aliud Diogeni Babylonio videri solet,
magno et gravi Stoico: aliud Antipatro, discipulo ejus, ho-
mini acutissimo. Antipatro, omnia patefacienda, ut ne quid
omnino, quod venditor norit, emptor ignoret; Diogeni, ven-
ditorem, quatenus jure civili constitutum sit, dicere vitia
oportere, cetera sine insidiis agere; et quoniam vendat, velle
6 quam optime vendere. Advexi, exposui, vendo meum non
pluris, quam ceteri, fortasse etiam minoris, cum major est
7 copia: cui fit injuria? Exoritur Antipatri ratio ex altera parte:
Quid ais? Tu, cum hominibus consulere debeas, et servire
humanæ societati, eaque lege natus sis, et ea habeas prin-
cipia naturæ, quibus parere, et quæ sequi debeas, ut utilitas
tua communis sit utilitas, vicissimque communis utilitas tua
sit; celabis homines, quid iis adsit commoditatis et copiæ?

Respondebit Diogenes fortasse sic: Aliud est celare, aliud 8
tacere; neque ego nunc te celo, si tibi non dico, quæ natura
deorum sit, qui sit finis bonorum, quæ tibi plus prodessent
cognita, quam tritici vilitas. Sed non, quicquid tibi audire
utile est, id mihi dicere necesse est. Immo vero, inquiet 9
ille, necesse est, si quidem meministi, esse inter homines na-
tura conjunctam societatem. Memini, inquiet ille: sed num 10
ista societas talis est, ut nihil suum cujusquam sit? quod si
ita est, ne vendendum quidem quicquam est, sed donandum.
XIII. Vides in hac tota disceptatione non illud dici, quam-
vis hoc turpe sit, tamen, quoniam expedit, faciam; sed ita
expedire, ut turpe non sit: ex altera autem parte, ea re,
quia turpe sit, non esse faciendum. Vendat ædes vir bonus 2
propter aliqua vitia, quæ ipse norit, ceteri ignorent; pesti-
lentes sint, et habeantur salubres; ignoretur, in omnibus cu-
biculis apparere serpentes; male materiatæ sint, ruinosæ,
sed hoc, præter dominum, nemo sciat: quæro, si hæc emp- 3
toribus venditor non dixerit, ædesque vendiderit pluris multo,
quam se venditurum putarit, num [id] injuste aut improbe
fecerit. Ille vero, inquit Antipater. Quid est enim aliud, 4
erranti viam non monstrare, quod Athenis execrationibus
publicis sanctum est, si hoc non est, emptorem pati ruere,
et per errorem in maximam fraudem incurrere? Plus etiam 5
est, quam viam non monstrare. Nam est scientem in erro-
rem alterum inducere. Diogenes contra: Num te emere 6
coëgit, qui ne hortatus quidem est? Ille, quod non placebat,
proscripsit: tu, quod placebat, emisti. Quodsi qui proscri- 7
bunt VILLAM BONAM BENEQUE ÆDIFICATAM, non ex-
istimantur fefellisse, etiamsi illa nec bona est, nec ædificata
ratione; multo minus, qui domum non laudarunt. Ubi enim
judicium emptoris est, ibi fraus venditoris quæ potest esse?
Sin autem dictum non omne præstandum est, quod dictum 8
non est, id præstandum putas? Quid vero est stultius, quam
venditorem ejus rei, quam vendat, vitia narrare? Quid au-
tem tam absurdum, quam si domini jussu ita præco prædicet,
DOMUM PESTILENTEM VENDO? Sic ergo in quibusdam 9
causis dubiis ex altera parte defenditur honestas, ex altera

ita de utilitate dicitur, ut id, quod utile videatur, non modo
facere honestum sit, sed etiam, non facere, turpe. Hæc est
illa, quæ videtur utilium fieri cum honestis sæpe dissensio.
10 Quæ dijudicanda sunt. Non enim, ut quæreremus, expo-
11 suimus, sed ut explicaremus. Non igitur videtur nec fru-
mentarius ille Rhodios, nec hic ædium venditor celare em-
ptores debuisse. Neque enim id est celare, quicquid reticeas:
sed cum, quod tu scias, id ignorare emolumenti tui causa
12 velis eos, quorum intersit id scire. Hoc autem celandi genus
quale sit, et cujus hominis, quis non videt? Certe non aperti,
non simplicis, non ingenui, non justi, non viri boni: versuti
potius, obscuri, astuti, fallacis, malitiosi, callidi, veteratoris,
vafri. Hæc tot, et alia plura, nonne inutile est vitiorum
subire nomina?

XIV. Quodsi vituperandi, qui reticuerunt, quid de iis existi-
mandum est, qui orationis vanitatem adhibuerunt?
2 C. Canius, eques Romanus, nec infacetus, et satis litteratus,
cum se Syracusas otiandi, ut ipse dicere solebat, non nego-
tiandi causa, contulisset, dictitabat, se hortulos aliquos emere
velle, quo invitare amicos, et ubi se oblectare sine interpel-
3 latoribus posset. Quod cum percrebruisset, Pythius ei qui-
dam, qui argentariam faceret Syracusis, venales quidem se
hortos non habere, sed licere uti Canio, si vellet, ut suis: et
simul ad cœnam hominem in hortos invitavit in posterum
4 diem. Cum ille promisisset, tum Pythius, qui esset, ut ar-
gentarius, apud omnes ordines gratiosus, piscatores ad se
convocavit, et ab his petivit, ut ante suos hortulos postridie
5 piscarentur: dixitque, quid eos facere vellet. Ad cœnam
tempore venit Canius: opipare a Pythio apparatum convi-
vium: cymbarum ante oculos multitudo: pro se quisque, quod
ceperat, afferebat: ante pedes Pythii pisces abjiciebantur.
6 Tum Canius, Quæso, inquit, quid est hoc, Pythi? tantumne
piscium, tantumne cymbarum? Et ille, Quid mirum? inquit;
hoc loco est, Syracusis quicquid est piscium: hic aquatio:
hac villa isti carere non possunt. Incensus Canius cupiditate
7 contendit a Pythio, ut venderet. Gravate ille primo. Quid

multa? impetrat. Emit homo cupidus et locuples tanti, quanti
Pythius voluit, et emit instructos. Nomina facit, negotium
conficit. Invitat Canius postridie familiares suos. Venit ipse 8
mature. Scalmum nullum videt. Quærit ex proximo vicino,
num feriæ quædam piscatorum essent, quod eos nullos vi-
deret. Nullæ, quod sciam, ille inquit, sed hic piscari nulli
solent: itaque heri mirabar, quid accidisset. Stomachari Ca-
nius. Sed quid faceret? Nondum enim Aquillius, collega et 9
familiaris meus, protulerat de dolo malo formulas. In qui- 10
bus ipsis cum ex eo quæreretur, quid esset dolus malus,
respondebat, cum esset aliud simulatum, aliud actum. Hoc
quidem sane luculente, ut ab homine perito definiendi. Ergo 11
et Pythius et omnes aliud agentes, aliud simulantes, per-
fidi, improbi, malitiosi. Nullum igitur eorum factum potest
utile esse, cum sit tot vitiis inquinatum.

XV. Quodsi Aquilliana definitio vera est, ex omni vita simu-
latio dissimulatioque tollenda est. Ita nec ut emat melius,
nec ut vendat, quicquam simulabit aut dissimulabit vir bonus.
Atque iste dolus malus et legibus erat vindicatus, (ut tutela 2
duodecim tabulis, circumscriptio adolescentium lege Plætoria,)
et sine lege judiciis, in quibus additur EX FIDE BONA. Re- 3
liquorum autem judiciorum hæc verba maxime excellunt: in
arbitrio rei uxoriæ, MELIUS ÆQUIUS: in fiducia, UT IN-
TER BONOS BENE AGIER. Quid ergo? aut in eo, quod 4
MELIUS ÆQUIUS, potest ulla pars inesse fraudis? aut, cum
dicitur INTER BONOS BENE AGIER, quicquam agi dolose
aut malitiose potest? Dolus autem malus in simulatione, ut 5
ait Aquillius, continetur. Tollendum est igitur ex rebus con-
trahendis omne mendacium. Non inlicitatorem venditor, non 6
qui contra reliceatur, emptor apponet. Uterque, si ad elo-
quendum venerit, non plus, quam semel, eloquetur. Q. qui- 7
dem Scævola, P. F., cum postulasset, ut sibi fundus, cujus
emptor erat, semel indicaretur, idque venditor ita fecisset,
dixit, se pluris æstimare: addidit centum milia. Nemo est, 8
qui hoc viri boni fuisse neget; sapientis, negant: ut si mi-
noris, quam potuisset, vendidisset. Hæc igitur est illa per- 9

nicies, quod alios bonos, alios sapientes existimant. Ex quo
Ennius, *nequicquam sapere sapientem, qui ipse sibi prodesse
non quiret.* Vere id quidem, si, quid esset *prodesse*, mihi
10 cum Ennio conveniret. Hecatonem quidem Rhodium, disci-
pulum Panætii, video in iis libris, quos de officiis scripsit
Q. Tuberoni, dicere, *Sapientis esse, nihil contra mores, le-*
11 *ges, instituta facientem, habere rationem rei familiaris. Ne-
que enim solum nobis divites esse volumus, sed liberis, pro-
pinquis, amicis, maximeque rei publicæ. Singulorum enim*
12 *facultates et copiæ divitiæ sunt civitatis.* Huic Scævolæ
factum, de quo paulo ante dixi, placere nullo modo potest.
Etenim omnino tantum se negat facturum compendii sui
causa, quod non liceat. Huic nec laus magna tribuenda nec
13 gratia est. Sed sive simulatio et dissimulatio dolus malus est;
perpaucæ res sunt, in quibus non dolus iste malus versetur:
sive vir bonus est is, qui prodest, quibus potest, nocet
nemini; certe istum virum bonum non facile reperimus.
14 Nunquam igitur est utile peccare, quia semper est turpe:
et quia semper est honestum virum bonum esse, semper est
utile.

XVI. Ac de jure quidem prædiorum sanctum apud nos est
jure civili, ut in his vendendis vitia dicerentur, quæ nota
2 essent venditori. Nam, cum ex duodecim tabulis satis esset
ea præstari, quæ essent lingua nuncupata, quæ qui infitia-
tus esset, dupli pœnam subiret: a juris consultis etiam reti-
3 centiæ pœna est constituta. Quicquid enim esset in prædio
vitii, id statuerunt, si venditor sciret, nisi nominatim dictum
4 esset, præstari oportere. Ut, cum in arce augurium augures
acturi essent, jussissentque Ti. Claudium Centumalum, qui
ædes in Cœlio monte habebat, demoliri ea, quorum altitudo
officeret auspiciis, Claudius proscripsit insulam, vendidit;
5 emit P. Calpurnius Lanarius. Huic ab auguribus illud idem
denuntiatum est. Itaque Calpurnius cum demolitus esset,
cognossetque, Claudium ædes postea proscripsisse, quam
esset ab auguribus demoliri jussus, arbitrum illum adegit,
QUICQUID SIBI DARE, FACERE OPORTERET EX FIDE

BONA. M. Cato sententiam dixit, hujus nostri Catonis pater. 6
Ut enim ceteri ex patribus, sic hic, qui illud lumen proge-
nuit, ex filio est nominandus. Is igitur judex ita pronuntia- 7
vit, cum in vendendo rem eam scisset, et non pronuntiasset,
emptori damnum præstari oportere. Ergo ad fidem bonam
statuit pertinere, notum esse emptori vitium, quod nosset
venditor. Quod si recte judicavit, non recte frumentarius 8
ille, non recte ædium pestilentium venditor tacuit. Sed
hujusmodi reticentiæ jure civili omnes comprehendi non
possunt: quæ autem possunt, diligenter tenentur. M. Ma- 9
rius Gratidianus, propinquus noster, C. Sergio Oratæ ven-
diderat ædes eas, quas ab eodem ipse paucis ante annis eme-
rat. Eæ serviebant: sed hoc in mancipio Marius non
dixerat. Adducta res in judicium est. Oratam Crassus, Gra- 10
tidianum defendebat Antonius. Jus Crassus urgebat, quod
vitii venditor non dixisset sciens, id oportere præstari: æqui-
tatem Antonius, quoniam id vitium ignotum Sergio non
fuisset, qui illas ædes vendidisset, nihil fuisse necesse dici:
nec eum esse deceptum, qui id, quod emerat, quo jure esset,
teneret. Quorsus hæc? ut illud intelligas, non placuisse 11
majoribus nostris astutos.

XVII. Sed aliter leges, aliter philosophi tollunt astutias.
Leges, quatenus manu tenere possunt; philosophi, quatenus
ratione et intelligentia. Ratio ergo postulat, ne quid insi-
diose, ne quid simulate, ne quid fallaciter. Suntne igitur 2
insidiæ tendere plagas, etiamsi excitaturus non sis nec agi-
taturus? Ipsæ enim feræ nullo insequente sæpe incidunt.
Sic tu ædes proscribas, tabulam, tamquam plagas, ponas,
domum propter vitia vendas, in eam aliquis incurrat impru-
dens? Hoc quamquam video propter depravationem consue- 3
tudinis neque more turpe haberi, neque aut lege sanciri aut
jure civili: tamen naturæ lege sanctum est. Societas est enim 4
(quod etsi sæpe dictum est, dicendum tamen est sæpius)
latissime quidem quæ pateat, hominum inter homines; in-
terior eorum, qui ejusdem gentis sunt; propior eorum, qui
ejusdem civitatis. Itaque majores aliud jus gentium, aliud 5

jus civile esse voluerunt. Quod civile, non idem continuo
6 gentium; quod autem gentium, idem civile esse debet. Sed
nos veri juris germanæque justitiæ solidam et expressam
effigiem nullam tenemus; umbra et imaginibus utimur. Eas
ipsas utinam sequeremur. Feruntur enim ex optimis naturæ
7 et veritatis exemplis. Nam quanti verba illa, UTI NE PRO-
PTER TE FIDEMVE TUAM CAPTUS FRAUDATUSVE SIM!
Quam illa aurea, UT INTER BONOS BENE AGIER OPORTET
ET SINE FRAUDATIONE! Sed, qui sint boni, et quid sit
8 bene agi, magna quæstio est. Q. quidem Scævola, pontifex
maximus, summam vim esse dicebat in omnibus iis arbitriis,
in quibus adderetur EX FIDE BONA: fideique bonæ nomen
existimabat manare latissime, idque versari in tutelis, socie-
tatibus, fiduciis, mandatis, rebus emptis, venditis, conductis,
locatis, quibus vitæ societas contineretur: in his magni esse
judicis statuere (præsertim cum in plerisque essent judicia
9 contraria) quid quemque cuique præstare oporteret. Quo-
circa astutiæ tollendæ sunt, eaque malitia, quæ vult illa
quidem videri, se esse prudentiam, sed abest ab ea distatque
10 plurimum. Prudentia est enim locata in delectu bonorum et
malorum: malitia, si omnia, quæ turpia sunt, mala sunt,
11 mala bonis ponit ante. Nec vero in prædiis solum jus civile
ductum a natura malitiam fraudemque vindicat; sed etiam in
mancipiorum venditione venditoris fraus omnis excluditur.
12 Qui enim scire debuit, de sanitate, de fuga, de furtis, præ-
13 stat edicto ædilium. Heredum alia causa est. Ex quo intel-
ligitur, quoniam juris natura fons sit, hoc secundum natu-
ram esse, neminem id agere, ut ex alterius prædetur inscitia.
14 Nec ulla pernicies vitæ major inveniri potest, quam in ma-
litia simulatio intelligentiæ: ex quo ista innumerabilia na-
scuntur, ut utilia cum honestis pugnare videantur. Quotus
enim quisque reperietur, qui, impunitate et ignoratione om-
nium proposita, abstinere possit injuria?

XVIII. Periclitemur, si placet, in iis quidem exemplis, in
2 quibus peccari vulgus hominum fortasse non putet. Neque
enim de sicariis, veneficis, testamentariis, furibus, peculatori-

bus hoc loco disserendum est: qui non verbis sunt et dispu-
tatione philosophorum, sed vinclis et carcere fatigandi. Sed
hæc consideremus, quæ faciunt ii, qui habentur boni. L. Mi- 3
nucii Basili, locupletis hominis, falsum testamentum quidam
e Græcia Romam attulerunt. Quod quo facilius obtinerent, 4
scripserunt heredes secum M. Crassum et Q. Hortensium,
homines ejusdem ætatis potentissimos: qui, cum illud falsum
esse suspicarentur, sibi autem nullius essent conscii culpæ,
alieni facinoris munusculum non repudiaverunt. Quid ergo? 5
satin' est hoc, ut non deliquisse videantur? Mihi quidem non
videtur: quamquam alterum vivum amavi, alterum non odi
mortuum. Sed cum Basilus M. Satrium, sororis filium, no- 6
men suum ferre voluisset, eumque fecisset heredem (hunc
dico patronum agri Piceni et Sabini: o turpem notam tem-
porum illorum!) num erat æquum, principes civis rem habere,
ad Satrium nihil præter nomen pervenire? Etenim si is, qui 7
non defendit injuriam, neque propulsat, cum potest, injuste
facit, ut in primo libro disserui; qualis habendus est is, qui
non modo non repellit, sed etiam adjuvat injuriam? Mihi 8
quidem etiam veræ hereditates non honestæ videntur, si
sunt malitiosis blanditiis, officiorum non veritate sed simu-
latione, quæsitæ. Atqui in talibus rebus aliud utile inter- 9
dum, aliud honestum videri solet. Falso. Nam eadem uti-
litatis, quæ honestatis, est regula. Qui hoc non perviderit, 10
ab hoc nulla fraus aberit, nullum facinus. Sic enim cogitans: 11
Est istuc quidem honestum, verum hoc expedit; res a natura
copulatas audebit errore divellere; qui fons est fraudium,
maleficiorum, scelerum omnium.

XIX. Itaque si vir bonus habeat hanc vim, ut, si digitis
concrepuerit, possit in locupletium testamenta nomen ejus
irrepere, hac vi non utatur, ne si exploratum quidem habeat,
id omnino neminem unquam suspicaturum. At dares hanc 2
vim M. Crasso, ut digitorum percussione heres posset scri-
ptus esse, qui re vera non esset heres; in foro, crede mihi,
saltaret. Homo autem justus, isque quem sentimus virum 3
bonum, nihil cuiquam, quod in se transferat, detrahet. Hoc

4 qui admiratur, is se, quid sit vir bonus, nescire fateatur. At
vero si quis voluerit animi sui complicatam notionem evol-
vere, jam se ipse doceat, eum virum bonum esse, qui pro-
sit, quibus possit; noceat nemini, nisi lacessitus injuria.
5 Quid ergo? hic non noceat, qui quodam quasi veneno perfi-
ciat, ut veros heredes moveat, in eorum locum ipse succedat?
6 Non igitur faciat, dixerit quis, quod utile sit, quod expediat?
Immo intelligat, nihil nec expedire, nec utile esse, quod sit
injustum. Hoc qui non didicerit, bonus vir esse non po-
7 terit. Fimbriam consularem audiebam de patre nostro puer
judicem M. Lutatio Pinthiæ fuisse, equiti Romano sane ho-
nesto, cum is sponsionem fecisset, NI VIR BONUS ESSET;
itaque ei dixisse Fimbriam, se illam rem nunquam judicatu-
rum; ne aut spoliaret fama probatum hominem, si contra
judicavisset; aut statuisse videretur, virum bonum esse ali-
quem, cum ea res innumerabilibus officiis et laudibus conti-
8 neretur. Huic igitur viro bono, quem Fimbria etiam, non
modo Socrates noverat, nullo modo videri potest quicquam
9 esse utile, quod non honestum sit. Itaque talis vir non modo
facere, sed ne cogitare quidem quicquam audebit, quod non
10 audeat prædicare. Hæc non turpe est dubitare philosophos,
quæ ne rustici quidem dubitent? a quibus natum est id,
quod jam contritum est vetustate proverbium: cum enim
fidem alicujus bonitatemque laudant, dignum esse dicunt,
11 quicum in tenebris mices. Hoc quam habet vim, nisi illam,
nihil expedire, quod non deceat, etiamsi id possis nullo re-
12 fellente obtinere? Videsne, hoc proverbio neque Gygi illi
posse veniam dari, neque huic, quem paulo ante fingebam
digitorum percussione hereditates omnium posse converrere?
Ut enim, quod turpe est, id quamvis occultetur, tamen ho-
nestum fieri nullo modo potest: sic, quod honestum non est,
id utile ut sit, effici non potest, adversante et repugnante
natura.

XX. At enim, cum permagna præmia sunt, est causa peccandi. C. Marius cum a spe consulatus longe abesset, et jam septimum annum post præturam jaceret, neque petiturus

unquam consulatum videretur; Q. Metellum, cujus legatus
erat, summum virum et civem, cum ab eo, imperatore suo,
Romam missus esset, apud populum Romanum criminatus
est, bellum illum ducere: si se consulem fecissent, brevi
tempore, aut vivum, aut mortuum Jugurtham se in potesta-
tem populi Romani daturum. Itaque factus est ille quidem 2
consul, sed a fide justitiaque discessit, qui optimum et gra-
vissimum civem, cujus legatus, et a quo missus esset, in in-
vidiam falso crimine adduxerit. Ne noster quidem Gratidia- 3
nus officio boni viri functus est tum, cum prætor esset, col-
legiumque prætorum tribuni plebi adhibuissent, ut res num-
maria de communi sententia constitueretur. Jactabatur enim
temporibus illis nummus sic, ut nemo posset scire, quid
haberet. Conscripserunt communiter edictum cum pœna at- 4
que judicio; constitueruntque, ut omnes simul in rostra post
meridiem escenderent. Et ceteri quidem alius alio: Marius a 5
subselliis in rostra recta, idque, quod communiter composi-
tum fuerat, solus edixit. Et ea res, si quæris, ei magno
honori fuit. Omnibus vicis statuæ: ad eas tus, cerei. Quid
multa? Nemo unquam multitudini fuit carior. Hæc sunt, 6
quæ conturbant in deliberatione nonnunquam, cum id, in
quo violatur æquitas, non ita magnum, illud autem, quod
ex eo paritur, permagnum videtur: ut Mario, præripere
collegis et tribunis pl. popularem gratiam, non ita turpe;
consulem ob eam rem fieri, quod sibi tum proposuerat, valde
utile videbatur. Sed omnium una regula est, quam tibi cupio 7
esse notissimam: aut illud, quod utile videtur, turpe ne sit;
aut, si turpe est, ne videatur esse utile. Quid igitur? pos- 8
sumusne aut illum Marium virum bonum judicare, aut hunc?
Explica atque excute intelligentiam tuam, ut videas, quæ sit
in ea species, forma et notio viri boni. Cadit ergo in virum 9
bonum mentiri emolumenti sui causa, criminari, præripere,
fallere? Nihil profecto minus. Est ergo ulla res tanti, aut 10
commodum ullum tam expetendum, ut viri boni et splendo-
rem et nomen amittas? Quid est, quod afferre tantum uti- 11
litas ista, quæ dicitur, possit, quantum auferre, si boni viri
nomen eripuerit, fidem justitiamque detraxerit? Quid enim 12

interest, utrum ex homine se convertat quis in beluam, an
hominis figura immanitatem gerat beluæ?

XXI. Quid? qui omnia recta et honesta negligunt, dum-
modo *potentiam* consequantur, nonne idem faciunt, quod
is, qui etiam socerum habere voluit eum, cujus ipse audacia
2 potens esset? Utile ei videbatur plurimum posse alterius in-
vidia: id quam injustum in patriam, et quam turpe, et quam
3 inutile esset, non videbat. Ipse autem socer in ore semper
Græcos versus de Phœnissis habebat, quos dicam ut potero·
incondite fortasse, sed tamen ut res possit intelligi:

Nam si violandum est jus, regnandi gratia
Violandum est: aliis rebus pietatem colas.

4 Capitalis Eteocles, vel potius Euripides, qui id unum, quod
omnium sceleratissimum fuerit, exceperit. Quid igitur mi-
nuta colligimus, hereditates, mercaturas, venditiones fraudu-
5 lentas? Ecce tibi, qui rex populi Romani dominusque om-
6 nium gentium esse concupierit, idque perfecerit. Hanc cu-
piditatem si honestam quis esse dicit, amens est. Probat enim
legum et libertatis interitum: earumque oppressionem, tætram
7 et detestabilem, gloriosam putat. Qui autem fatetur, hones-
tum non esse in ea civitate, quæ libera fuit, quæque esse de-
beat, regnare, sed ei, qui id facere possit, esse utile: qua
hunc objurgatione aut quo potius convicio a tanto errore
8 coner avellere? Potest enim, dii immortales, cuiquam esse
utile fœdissimum et tæterrimum parricidium patriæ: quam-
vis is, qui se eo obstrinxerit, ab oppressis civibus Parens
9 nominetur? Honestate igitur dirigenda utilitas est, et quidem
sic, ut hæc duo, verbo inter se discrepare, re unum sonare
10 videantur. Non habeo, ad vulgi opinionem, quæ major uti-
litas, quam regnandi, esse possit: nihil contra inutilius ei,
qui injuste consecutus sit, invenio, cum ad veritatem cœpi
11 revocare rationem. Possunt enim cuiquam esse utiles ango-
res, sollicitudines, diurni et nocturni metus, vita insidiarum
periculorumque plenissima?

12 *Multi iniqui atque infideles regno, pauci sunt boni,*

inquit Attius. At cui regno? Quod a Tantalo et Pelope pro-
ditum jure obtinebatur. Nam quanto plures ei regi putas, 13
qui exercitu populi Romani populum ipsum Romanum op-
pressisset, civitatemque non modo liberam, sed etiam gen-
tibus imperantem, servire sibi coëgisset? Hunc tu quas con-
scientiæ labes in animo censes habuisse? quæ vulnera?
Cujus autem vita ipsi potest utilis esse, cum ejus vitæ ea 14
conditio sit, ut, qui illam eripuerit, in maxima et gratia fu-
turus sit et gloria? Quodsi hæc utilia non sunt, quæ maxi- 15
me videntur, quia plena sunt dedecoris ac turpitudinis; sa-
tis persuasum esse debet, nihil esse utile, quod non hone-
stum sit.

XXII. Quamquam id quidem, cum sæpe alias, tum Pyrrhi
bello a C. Fabricio, consule iterum, et a senatu nostro judi-
catum est. Cum enim rex Pyrrhus populo Romano bellum 2
ultro intulisset, cumque de imperio certamen esset cum rege
generoso ac potente; perfuga ab eo venit in castra Fabricii,
eique est pollicitus, si præmium sibi proposuisset, se, ut
clam venisset, sic clam in Pyrrhi castra rediturum, et eum
veneno necaturum. Hunc Fabricius reducendum curavit ad
Pyrrhum: idque ejus factum laudatum a senatu est. Atqui 3
si speciem utilitatis opinionemque quærimus, magnum illud
bellum perfuga unus et gravem adversarium imperii sustu-
lisset: sed magnum dedecus et flagitium, quicum laudis cer-
tamen fuisset, eum non virtute, sed scelere superatum.
Utrum igitur utilius vel Fabricio, qui talis in hac urbe, qua- 4
lis Aristides Athenis fuit, vel senatui nostro, qui nunquam
utilitatem a dignitate sejunxit, armis cum hoste certare, an
venenis? Si gloriæ causa imperium expetendum est, scelus 5
absit, in quo non potest esse gloria: sin ipsæ opes expetun-
tur quoquo modo, non poterunt utiles esse cum infamia.
Non igitur utilis illa L. Philippi, Q. F., sententia: quas civi- 6
tates L. Sulla, pecunia accepta, ex senatus consulto libera-
visset, ut eæ rursus vectigales essent, neque iis pecuniam,
quam pro libertate dederant, redderemus. Est ei senatus as- 7
sensus. Turpe imperio. Piratarum enim melior fides, quam

8 senatus. At aucta vectigalia: utile igitur. Quousque aude-
bunt dicere quicquam utile, quod non honestum? Potest au-
tem ulli imperio, quod gloria fultum esse debet, et benivolen-
9 tia sociorum, utile esse odium et infamia? Ego etiam cum
Catone meo sæpe dissensi. Nimis mihi præfracte videbatur
ærarium vectigaliaque defendere, omnia publicanis negare,
multa sociis: cum in hos benefici esse deberemus; cum illis
sic agere, ut cum colonis nostris soleremus: eoque magis,
quo illa ordinum conjunctio ad salutem rei publicæ pertine-
10 bat. Male etiam Curio, cum causam Transpadanorum æquam
esse dicebat: semper autem addebat, *Vincat utilitas.* Po-
tius diceret, non esse æquam, quia non esset utilis rei publi-
cæ, quam, cum non utilem diceret, æquam fateretur.

XXIII. Plenus est sextus liber de officiis Hecatonis talium
q u æ s t i o n u m, Sitne boni viri, in maxima caritate anno-
næ, familiam non alere. In utramque partem disputat; sed
tamen ad extremum utilitate officium dirigit magis quam
2 humanitate. Quærit, si in mari jactura facienda sit, equine
pretiosi potius jacturam faciat, an servuli vilis. Hic alio res
3 familiaris, alio ducit humanitas. Si tabulam de naufragio
stultus arripuerit, extorquebitne eam sapiens, si potuerit?
4 Negat, quia sit injurium. Quid dominus navis, eripietne
suum? Minime, non plus, quam navigantem in alto ejicere
de navi velit, quia sua sit. Quoad enim perventum sit eo,
quo sumpta navis est, non domini est navis, sed navigan-
5 tium. Quid si una tabula sit, duo naufragi, iique sapientes:
sibi neuter rapiat, an alter cedat alteri? Cedat vero: sed ei,
cujus magis intersit vel sua vel rei publicæ causa, vivere.
6 Quid si hæc paria in utroque? Nullum erit certamen, sed,
7 quasi sorte aut micando victus, alteri cedet alter. Quid si
pater fana expilet, cuniculos agat ad ærarium: indicetne id
magistratibus filius? Nefas id quidem est. Quin etiam defen-
dat patrem, si arguatur. Non igitur patria præstat omnibus
officiis? Immo vero: sed ipsi patriæ conducit, pios cives
8 habere in parentes. Quid si tyrannidem occupare, si patriam
prodere conabitur pater: silebitne filius? Immo vero obse-

crabit patrem, ne id faciat; si nihil proficiet, accusabit, minabitur etiam; ad extremum, si ad perniciem patriæ res
spectabit, patriæ salutem anteponet saluti patris. Quærit 9
etiam, si sapiens adulterinos nummos acceperit imprudens pro bonis, cum id rescierit, soluturusne sit eos, si cui debeat, pro bonis. Diogenes ait: Antipater negat, cui potius
assentior. Qui vinum fugiens vendat sciens, debeatne dicere. 10
Non necesse putat Diogenes: Antipater viri boni existimat.
Hæc sunt quasi controversa jura Stoicorum. In mancipio 11
vendendo dicendane vitia: non ea, quæ nisi dixeris, redhibeatur mancipium jure civili; sed hæc, mendacem esse, aleatorem, furacem, ebriosum. Alteri dicenda videntur, alteri
non videntur. Si quis aurum vendens, orichalcum se putet 12
vendere, indicetne ei vir bonus, aurum illud esse, an emat denario, quod sit mille denarium? Perspicuum est jam, et quid mihi videatur, et quæ sit inter eos philosophos, quos nominavi, controversia.

XXIV. Pacta et promissa semperne servanda sint, quæ
nec vi nec dolo malo (ut prætores solent) facta sint. Si quis 2
medicamentum cuipiam dederit ad aquam intercutem, pepigeritque, si eo medicamento sanus factus esset, ne illo medicamento unquam postea uteretur; si eo medicamento sanus factus sit, et annis aliquot post inciderit in eundem morbum, nec ab eo, quicum pepigerat, impetret, ut iterum eo liceat uti: quid faciendum sit. Cum sit is inhumanus, qui non concedat, nec ei quicquam fiat injuriæ, vitæ et saluti consulen-
dum. Quid? si qui sapiens rogatus sit ab eo, qui eum heredem 3
faciat, cum ei testamento sestertium millies relinquatur, ut ante, quam hereditatem adeat, luce palam in foro saltet, idque se facturum promiserit, quod aliter heredem eum scrip-
turus ille non esset: faciat, quod promiserit, necne? Pro- 4
misisse nollem, et id arbitror fuisse gravitatis. Quoniam promisit, si saltare in foro turpe ducet, honestius mentietur, si ex hereditate nihil ceperit, quam si ceperit: nisi forte eam pecuniam in rei publicæ magnum aliquod tempus contulerit, ut vel saltare, cum patriæ consulturus sit, turpe non sit.

XXV. Ac ne illa quidem promissa servanda sunt, quæ non
2 sunt iis ipsis utilia, quibus illa promiseris. Sol Phaëthonti
filio, ut redeamus ad fabulas, facturum se esse dixit, quicquid
optasset. Optavit, ut in currum patris tolleretur. Sublatus
est. Atque is antequam constitit, ictu fulminis deflagravit.
3 Quanto melius fuerat, in hoc promissum patris non esse ser-
vatum! Quid, quod Theseus exegit promissum a Neptuno?
Cui cum tres optationes Neptunus dedisset, optavit interitum
Hippolyti filii, cum is patri suspectus esset de noverca: quo
4 optato impetrato, Theseus in maximis fuit luctibus. Quid?
Agamemnon cum devovisset Dianæ, quod in suo regno pul-
cherrimum natum esset illo anno, immolavit Iphigeniam, qua
nihil erat eo quidem anno natum pulchrius. Promissum po-
tius non faciendum, quam tam tætrum facinus admittendum
5 fuit. Ergo et promissa non facienda nonnunquam, neque
6 semper deposita reddenda. Si gladium quis apud te sana
mente deposuerit, repetat insaniens; reddere peccatum sit,
7 officium non reddere. Quid, si is, qui apud te pecuniam
deposuerit, bellum inferat patriæ, reddasne depositum? Non,
credo. Facias enim contra rem publicam, quæ debet esse
8 carissima. Sic multa, quæ honesta natura videntur esse,
temporibus fiunt non honesta. Facere promissa, stare con-
ventis, reddere deposita, commutata utilitate, fiunt non ho-
9 nesta. Ac de iis quidem, quæ videntur esse utilitates contra
justitiam simulatione prudentiæ, satis arbitror dictum.

10 Sed quoniam a quattuor fontibus honestatis primo libro
officia duximus, in eisdem versemur, cum docebimus, ea, quæ
videantur esse utilia, neque sint, quam sint virtutis inimica.
11 Ac de prudentia quidem, quam vult imitari malitia; itemque
12 de justitia, quæ semper est utilis, disputatum est. Reliquæ
sunt duæ partes honestatis, quarum altera in animi excellen-
tis magnitudine et præstantia cernitur, altera in conforma-
tione et moderatione continentiæ et temperantiæ.

XXVI. Utile videbatur Ulixi (ut quidem poëtæ tragici
prodiderunt: nam apud Homerum, optimum auctorem, talis

de Ulixe nulla suspicio est), sed insimulant eum tragœdiæ,
simulatione insaniæ militiam subterfugere voluisse. Non 2
honestum consilium. At utile, ut aliquis fortasse dixerit,
regnare et Ithacæ vivere otiose cum parentibus, cum uxore,
cum filio. Ullum tu decus in quotidianis laboribus et peri-
culis cum hac tranquillitate conferendum putas? Ego vero 3
istam contemnendam et abjiciendam: quoniam, quæ honesta
non sit, ne utilem quidem esse arbitror. Quid enim auditu- 4
rum putas fuisse Ulixem, si in illa simulatione perseveravis-
set? qui cum maximas res gesserit in bello, tamen hæc au-
diat ab Ajace:

Cujus ipse princeps juris jurandi fuit,
Quod omnes scitis, solus neglexit fidem.
Furere assimulare, ne coiret, institit.
Quod ni Palamedis perspicax prudentia
Istius percepset malitiosam audaciam,
Fide sacratæ jus perpetuo falleret.

Illi vero non modo cum hostibus, verum etiam cum fluctibus, 5
id quod fecit, dimicare melius fuit, quam deserere consenti-
entem Græciam ad bellum barbaris inferendum.

Sed omittamus et fabulas, et externa: ad rem factam 6
nostramque veniamus. M. Atilius Regulus, cum consul 7
iterum in Africa ex insidiis captus esset, duce Xanthippo La-
cedæmonio, imperatore autem patre Hannibalis Hamilcare,
juratus missus est ad senatum, ut, nisi redditi essent Pœnis
captivi nobiles quidam, rediret ipse Karthaginem. Is cum 8
Romam venisset, utilitatis speciem videbat, sed eam, ut res
declarat, falsam judicavit: quæ erat talis: manere in patria,
esse domi suæ cum uxore, cum liberis; quam calamitatem
accepisset in bello, communem fortunæ bellicæ judicantem,
tenere consularis dignitatis gradum. Quis hæc neget esse
utilia? Quem censes? Magnitudo animi et fortitudo negat.
XXVII. Num locupletiores quæris auctores? Harum enim
est virtutum proprium, nihil extimescere, omnia humana
despicere, nihil, quod homini accidere possit, intolerandum
putare. Itaque quid fecit? In senatum venit, mandata 2

exposuit: sententiam ne diceret, recusavit; quam diu jure
3 jurando hostium teneretur, non esse se senatorem. Atque
illud etiam (o stultum hominem, dixerit quispiam, et repugnantem utilitati suæ!) reddi captivos, negavit esse utile: illos
enim adolescentes esse et bonos duces, se jam confectum
4 senectute. Cujus cum valuisset auctoritas, captivi retenti
sunt, ipse Karthaginem rediit: neque eum caritas patriæ
5 retinuit, nec suorum. Neque vero tum ignorabat, se ad crudelissimum hostem et ad exquisita supplicia proficisci: sed
6 jus jurandum conservandum putabat. Itaque tum, cum vigilando necabatur, erat in meliore causa, quam si domi senex
7 captivus, perjurus consularis remansisset. At stulte, qui non
modo non censuerit captivos remittendos, verum etiam dis-
8 suaserit. Quomodo stulte? etiamne si rei publicæ conducebat? Potest autem, quod inutile rei publicæ sit, id cuiquam
civi utile esse? XXVIII. Pervertunt homines ea, quæ sunt
fundamenta naturæ, cum utilitatem ab honestate sejungunt.
Omnes enim expetimus utilitatem, ad eamque rapimur, nec
2 facere aliter ullo modo possumus. Nam quis est, qui utilia
fugiat? aut quis potius, qui ea non studiosissime persequa-
3 tur? Sed quia nusquam possumus, nisi in laude, decore,
honestate utilia reperire, propterea illa prima et summa habemus; utilitatis nomen non tam splendidum quam necessarium ducimus.

4 Quid est igitur, dixerit quis, in jure jurando? Num
iratum timemus Jovem? At hoc quidem commune est omnium
philosophorum, non eorum modo, qui deum nihil habere
ipsum negotii dicunt, nihil exhibere alteri, sed eorum etiam,
qui deum semper agere aliquid et moliri volunt, nunquam
5 nec irasci deum, nec nocere. Quid autem iratus Juppiter plus
nocere potuisset, quam nocuit sibi ipse Regulus? Nulla igitur
6 vis fuit religionis, quæ tantam utilitatem perverteret. An
ne turpiter faceret? Primum, minima de malis. Num igitur
tantum mali turpitudo ista habebat, quantum ille cruciatus?
7 Deinde illud etiam apud Attium,

Fregistin' fidem?
Neque dedi, neque do infideli cuiquam,

quamquàm ab impio rege dicitur, luculente tamen dicitur.
Addunt etiam, quemadmodum nos dicamus, videri quæ- 8
dam utilia, quæ non sint: sic se dicere, videri quædam ho-
nesta, quæ non sint: ut hoc ipsum videtur honestum, con-
servandi juris jurandi causa ad cruciatum revertisse, sed fit
non honestum; quia, quod per vim hostium esset actum,
ratum esse non debuit. Addunt etiam, quicquid valde utile 9
sit, id fieri honestum, etiamsi antea non videretur. Hæc 10
fere contra Regulum. Sed prima videamus.

XXIX. Non fuit Juppiter metuendus, ne iratus noceret: qui
neque irasci solet, nec nocere. Hæc quidem ratio non magis 2
contra Reguli, quam contra omne jus jurandum valet. Sed 3
in jure jurando, non qui metus, sed quæ vis sit, debet in-
telligi. Est enim jus jurandum affirmatio religiosa. Quod 4
autem affirmate, quasi deo teste, promiseris, id tenendum
est. Jam enim non ad iram deorum, quæ nulla est, sed ad
justitiam et ad fidem pertinet. Nam præclare Ennius: 5

O Fides alma, apta pinnis, et Jus jurandum Jovis.

Qui Jus igitur jurandum violat, is Fidem violat, quam in
Capitolio vicinam Jovis Optimi Maximi, ut in Catonis ora-
tione est, majores nostri esse voluerunt.

At enim ne iratus quidem Juppiter plus Regulo nocuisset, 6
quam sibi nocuit ipse Regulus. Certe, si nihil malum esset, 7
nisi dolere. Id autem non modo summum malum, sed ne
malum quidem esse, maxima auctoritate philosophi affirmant.
Quorum quidem testem non mediocrem, sed haud scio an 8
gravissimum, Regulum, nolite, quæso, vituperare. Quem 9
enim locupletiorem quærimus, quam principem populi Ro-
mani, qui retinendi officii causa cruciatum subierit volunta-
tarium? Nam quod aiunt, Minima de malis; id est, ut tur- 10
piter potius, quam calamitose: an est ullum majus malum
turpitudine? Quæ si in deformitate corporis habet aliquid
offensionis, quanta illa depravatio et fœditas turpificati animi
debet videri? Itaque nervosius qui ista disserunt, solum au- 11
dent malum dicere id, quod turpe sit: qui autem remissius,
hi tamen non dubitant summum malum dicere.

12 Nam illud quidem,

Neque dedi, neque do infideli cuiquam,

idcirco recte a poëta, quia, cum tractaretur Atreus, personæ
13 serviendum fuit. Sed si hoc sibi sumunt, nullam esse fidem,
quæ infideli data sit, videant, ne quæratur latebra perjurio.
14 Est jus etiam bellicum, fidesque juris jurandi sæpe cum
15 hoste servanda. Quod enim ita juratum est, ut mens conci-
peret fieri oportere, id servandum est: quod aliter, id si non
16 feceris, nullum est perjurium. Ut, si prædonibus pactum
pro capite pretium non attuleris, nulla fraus est, ne si jura-
17 tus quidem id non feceris. Nam pirata non est perduellium
numero definitus, sed communis hostis omnium. Cum hoc
18 nec fides debet nec jus jurandum esse commune. Non enim
falsum jurare, perjurare est; sed, quod EX ANIMI TUI
SENTENTIA juraris, sicut verbis concipitur more nostro,
19 id non facere, perjurium est. Scite enim Euripides:

Juravi lingua, mentem injuratam gero.

20 Regulus vero non debuit conditiones pactionesque bellicas et
21 hostiles perturbare perjurio. Cum justo enim et legitimo
hoste res gerebatur, adversus quem et totum jus fetiale, et
22 multa sunt jura communia. Quod ni ita esset, nunquam cla-
ros viros senatus vinctos hostibus dedidisset. XXX. At
vero T. Veturius et Sp. Postumius, cum iterum consules es-
sent, quia, cum male pugnatum apud Caudium esset, legioni-
bus nostris sub jugum missis, pacem cum Samnitibus fece-
rant, dediti sunt his: injussu enim populi senatusque fecerant.
2 Eodemque tempore Ti. Numicius, Q. Mælius, qui tum tribuni
plebis erant, quod eorum auctoritate pax erat facta, dediti
3 sunt, ut pax Samnitium repudiaretur. Atque hujus deditio-
nis ipse Postumius, qui dedebatur, suasor et auctor fuit.
Quod idem multis annis post C. Mancinus, qui, ut Numanti-
nis, quibuscum sine senatus auctoritate fœdus fecerat, de-
deretur, rogationem suasit eam, quam L. Furius, S. Atilius
ex senatus consulto ferebant: qua accepta, est hostibus de-
4 ditus. Honestius hic quam Q. Pompeius, quo, cum in eadem
5 causa esset, deprecante, accepta lex non est. Hic ea, quæ

videbatur utilitas, plus valuit, quam honestas: apud superiores utilitatis species falsa ab honestatis auctoritate superata est.

At non debuit ratum esse, quod erat actum per vim. 6
Quasi vero forti viro vis possit adhiberi. Cur igitur ad se- 7
natum proficiscebatur, cum præsertim de captivis dissuasurus
esset? Quod maximum in eo est, id reprehenditis. Non enim 8
suo judicio stetit, sed suscepit causam, ut esset judicium senatus: cui nisi ipse auctor fuisset, captivi profecto Pœnis
redditi essent: ita incolumis in patria Regulus restitisset.
Quod quia patriæ non utile putavit, idcirco sibi honestum 9
et sentire illa et pati credidit. Nam quod aiunt, quod valde 10
utile sit, id fieri honestum: immo vero esse, non fieri. Est
enim nihil utile, quod idem non honestum: nec quia utile,
honestum est; sed quia honestum, utile. Quare ex multis 11
mirabilibus exemplis, haud facile quis dixerit hoc exemplo
aut laudabilius aut præstantius.

XXXI. Sed ex tota hac laude Reguli unum illud est admi-
ratione dignum, quod captivos retinendos censuit. Nam 2
quod rediit, nobis nunc mirabile videtur: illis quidem tem-
poribus aliter facere non potuit. Itaque ista laus non est
hominis, sed temporum. Nullum enim vinculum ad as- 3
tringendam fidem jure jurando majores artius esse voluerunt. Id indicant leges in XII. tabulis, indicant sacratæ, 4
indicant fœdera, quibus etiam cum hoste devincitur fides;
indicant notiones animadversionesque censorum, qui nulla de
re diligentius quam de jure jurando judicabant. L. Manlio, 5
A. F., cum dictator fuisset, M. Pomponius tribunus plebis
diem dixit, quod is paucos sibi dies ad dictaturam gerendam
addidisset. Criminabatur etiam, quod Titum filium, qui 6
postea est Torquatus appellatus, ab hominibus relegasset et
ruri habitare jussisset. Quodcum audivisset adolescens filius, 7
negotium exhiberi patri: accurrisse Romam et cum prima
luce Pomponii domum venisse dicitur. Cui cum esset nun- 8
tiatum, qui illum iratum allaturum ad se aliquid contra patrem arbitraretur, surrexit e lectulo, remotisque arbitris, ad

9 se adolescentem jussit venire. At ille, ut ingressus est, con-
festim gladium destrinxit, juravitque, se illum statim interfec-
turum, nisi jus jurandum dedisset, se patrem missum esse
10 facturum. Juravit hoc coactus terrore Pomponius; rem ad
populum detulit; docuit, cur sibi causa desistere necesse
11 esset; Manlium missum fecit Tantum temporibus illis jus
jurandum valebat. Atque hic T. Manlius is est, qui ad Ani-
enem Galli, quem ab eo provocatus occiderat, torque de-
tracto, cognomen invenit: cujus tertio consulatu Latini ad
Veserim fusi et fugati. Magnus vir in primis, et qui perin-
dulgens in patrem, idem acerbe severus in filium.

XXXII. Sed ut laudandus Regulus in conservando jure ju-
rando, sic decem illi, quos post Cannensem pugnam juratos
ad senatum misit Hannibal, se in castra redituros ea, quorum
erant potiti Pœni, nisi de redimendis captivis impetravissent,
2 si non redierunt, vituperandi. De quibus non omnes uno
modo. Nam Polybius, bonus auctor in primis, ex decem no-
bilissimis, qui tum erant missi, novem revertisse [dicit], a se-
natu re non impetrata: unum ex decem, qui paulo post, quam
egressus erat e castris, redisset, quasi aliquid esset oblitus,
3 Romæ remansisse. Reditu enim in castra liberatum se esse
jure jurando interpretabatur. Non recte: fraus enim astrin-
4 git, non dissolvit perjurium. Fuit igitur stulta calliditas, per-
verse imitata prudentiam. Itaque decrevit senatus, ut ille
5 veterator et callidus vinctus ad Hannibalem duceretur. Sed
illud maximum: octo hominum milia tenebat Hannibal, non
quos in acie cepisset, aut qui periculo mortis diffugissent,
sed qui relicti in castris fuissent a Paulo et a Varrone con-
6 sulibus. Eos senatus non censuit redimendos, cum id parva
pecunia fieri posset: ut esset insitum militibus nostris aut
7 vincere, aut emori. Qua quidem re audita, fractum animum
Hannibalis scribit idem, quod senatus populusque Romanus
8 rebus afflictis tam excelso animo fuisset. Sic honestatis com-
9 paratione ea, quæ videntur utilia, vincuntur. Acilius autem,
qui Græce scripsit historiam, plures ait fuisse, qui in castra
revertissent, eadem fraude, ut jure jurando liberarentur, eos-

que a censoribus omnibus ignominiis notatos. Sit jam hujus 10
loci finis. Perspicuum est enim, ea, quæ timido animo, humili, demisso, fractoque fiant (quale fuisset Reguli factum, si aut de captivis, quod ipsi opus esse videretur, non quod rei publicæ, censuisset, aut domi remanere voluisset) non esse utilia, quia sint flagitiosa, fœda, turpia.

XXXIII. Restat quarta pars, quæ decore, moderatione, modestia, continentia, temperantia continetur. Potest igitur quic- 2
quam esse utile, quod sit huic talium virtutum choro contrarium? Atqui ab Aristippo Cyrenaici, atque Annicerii philo- 3
sophi nominati, omne bonum in voluptate posuerunt, virtutemque censuerunt ob eam rem esse laudandam, quod efficiens esset voluptatis, quibus obsoletis floret Epicurus, ejusdem fere adjutor auctorque sententiæ. Cum his viris equis- 4
que, ut dicitur, si honestatem tueri ac retinere sententia est, decertandum est. Nam si non modo utilitas, sed vita omnis 5
beata, corporis firma constitutione ejusque constitutionis spe explorata, ut a Metrodoro scriptum est, continetur: certe hæc utilitas, et quidem summa, (sic enim censent,) cum honestate pugnabit. Nam ubi primum prudentiæ locus dabitur? 6
An, ut conquirat undique suavitates? Quam miser virtutis 7
famulatus, servientis voluptati! Quod autem munus prudentiæ? An legere intelligenter voluptates? Fac nihil isto esse jucundius: quid cogitari potest turpius? Jam, qui dolorem 8
summum malum dicat, apud eum quem habet locum fortitudo, quæ est dolorum laborumque contemptio? Quamvis 9
enim multis locis dicat Epicurus, sicuti dicit, satis fortiter de dolore: tamen non id spectandum est, quid dicat, sed quid consentaneum sit ei dicere, qui bona voluptate terminaverit, mala dolore: ut, si illum audiam de continentia et temperantia, dicit ille quidem multa multis locis; sed aqua hæret, ut aiunt. Nam qui potest temperantiam laudare is, qui ponat 10
summum bonum in voluptate? Est enim temperantia libidinum inimica, libidines autem consectatrices voluptatis. Atque 11
in his tamen tribus generibus, quoquo modo possunt, non incallide tergiversantur. Prudentiam introducunt, scientiam 12

suppeditantem voluptates, depellentem dolores. Fortitudi-
nem quoque aliquo modo expediunt, cum tradunt, rationem
13 negligendæ mortis perpetiendique doloris. Etiam tempe-
rantiam inducunt, non facillime illi quidem, sed tamen quo-
quo modo possunt. Dicunt enim, voluptatis magnitudinem
doloris detractione finiri. Justitia vacillat, vel jacet potius,
omnesque eæ virtutes, quæ in communitate cernuntur et
14 in societate generis humani. Neque enim bonitas, nec libe-
ralitas, nec comitas esse potest, non plus quam amicitia,
si hæc non per se expetantur, sed ad voluptatem utilita-
15 temve referantur. Conferamus igitur in pauca. Nam ut
utilitatem nullam esse docuimus, quæ honestati esset con-
traria, sic omnem voluptatem dicimus honestati esse con-
16 trariam. Quo magis reprehendendos Calliphonem et Dino-
machum judico, qui se dirempturos controversiam puta-
verunt, si cum honestate voluptatem, tamquam cum homine
17 pecudem, copulavissent. Non recipit istam conjunctionem
honestas; aspernatur, repellit. Nec vero finis bonorum [et
malorum], qui simplex esse debet, ex dissimillimis rebus
18 misceri et temperari potest. Sed de hoc (magna enim
19 res est) alio loco pluribus. Nunc ad propositum. Quem-
admodum igitur, si quando ea, quæ videtur utilitas, ho-
nestati repugnat, dijudicanda res sit, satis est supra dis-
20 putatum. Sin autem speciem utilitatis etiam voluptas ha-
bere dicetur, nulla potest esse ei cum honestate conjunctio.
21 Nam ut tribuamus aliquid voluptati, condimenti fortasse
nonnihil, utilitatis certe nihil habebit.

22 Habes a patre munus, Marce fili, mea quidem sententia
magnum; sed perinde erit, ut acceperis. Quamquam hi
tibi tres libri inter Cratippi commentarios tamquam hos-
23 pites erunt recipiendi. Sed ut, si ipse venissem Athenas,
(quod quidem esset factum, nisi me e medio cursu clara
voce patria revocasset,) aliquando me quoque audires: sic,
quoniam his voluminibus ad te profecta vox est mea, tribues
his temporis quantum poteris: poteris autem, quantum
24 voles. Cum vero intellexero, te hoc scientiæ genere gau-

dere, tum et præsens tecum propediem, ut spero, et dum aberis absens loquar. Vale igitur, mi Cicero, tibique persuade, esse te quidem mihi carissimum; sed multo fore cariorem, si talibus monumentis præceptisque lætabere.

NOTES.

ABBREVIATIONS.

In the following pages "Z" is usually subscribed to those notes which are taken from either the larger or smaller edition of the "de Officiis" by Zumpt, whether the remarks cited are original with Zumpt or were written by the Heusingers. "B" likewise designates the notes taken from Bonnell's edition of Degen's "de Officiis."

G. ....Gernhard's de Officiis.
A. W. Z. ....A. W. Zumpt's Uebersetzung.
Z. Gr. ....Zumpt's Latin Grammar.
Madvig ....Lateinische Sprachlehre von J. N. Madvig.
A. & S. ....Andrews and Stoddard's Latin Grammar.

NOTES.

Ch. I. 1. *Marce fili*] For the varying style of address comp. 5 in this Ch., I, 22, 13. II, 1, 1. and 2, 17. III, 1, 1. and 7, 3. B.

Annum jam audientem] Cicero sent his son to Athens about the first of April, B. C. 45, as we learn from a letter written by him to Atticus the next year, (Ep. ad Atticum XV. 15,) in which, speaking of his son, he says: scripsit, sibi, post Kal. April.—*sic enim annum tempus confici*—nihil datum esse. As he says in the text that his son has been hearing Cratippus a year, it is inferred that Cicero began this treatise in the spring, or early in the summer 44 B. C., two or three months at most after the assassination of Cæsar.

On the other hand, the following reasons may be given for believing that the treatise was not commenced till the autumn of the same year: 1. In the very frequent letters of this period, which give us almost the daily occupations of Cicero, there is no mention of a work de Officiis till Oct. 24, (Ep. ad Att. XV. 13.) 2. Cicero implies (de Off. III. 33) that this book was intended as a substitute for the instruction which he had designed giving his son in person at Athens. It may be supposed, therefore, that it was written after the project of visiting Greece was abandoned. He informs us (Ep. ad Att. XVI. 7) that having set out on the voyage, he was driven back to the vicinity of Rhegium on the sixth of August, and was induced to give up his visit to his son, and return to Rome, by the representations of his friends that a favorable change in public affairs had taken place, and that his presence was demanded. He reached the capital the last day of August, and having, on the second of September, delivered his first Philippic, retired soon after to his country-seat Puteolanum. Here he spent the months of October and November, and is supposed to have employed himself in writing this work. It is agreed that it was finished before the ninth of December.

A. W. Zumpt suggests that the disagreement here set forth may be reconciled by supposing that the young Cicero, although he left home the first of April, did not for some time actually commence his attendance

on the instructions of Cratippus; and further, that Cicero does not intend to speak with exactness in using the words *annum jam audientem.* Comp Z. B. Beier de Off. II. 417. A. and S., § 145, I. 2.

Cratippum] Cicero's opinion of this master of the Peripatetic school may be learned from § 3 of this section, from III, 2, 2. and de Fin. I, 3 5. B.

Idque Athenis] Z. Gr. § 699. The case of this pronoun may be learned from the nature of the clause which it represents. An illustration of the principle may be derived from the examples from Euripides, cited in Crosby's Gr. Gr. § 334. Ἑλένην κτάνωμεν, Μενέλεῳ λύπην πικράν. Here λύπην is in the accusative case, because the clause to which it refers contains a transitive verb and its object. The writer, having one and the same thing in his mind all the time, gives the same form to his thoughts in both clauses. *Let us slay Helen*, [let us cause] *a bitter grief to Menelaus.* In the other example the nominative case is used. Στέφη μιαίνεται, θεῶν ἀτιμία, *our garlands are profaned*, [which is] *a dishonor to the gods.*

Præceptis institutisque] principles and practical rules. The former word refers to theoretical philosophy—the latter, to the practical rules of life.

In utriusque orationis facultate] that you may have equal facility in both styles of discourse, namely, the oratorical and the philosophical. That such is the meaning of these words would appear from the next sentence, which can scarcely be interpreted satisfactorily if the author be supposed to refer to the Greek and Latin languages in the words *utriusque orationis.* The meaning of the sentence seems to be substantially this: As I have found it advantageous in philosophy and oratory, to give my attention to Greek as well as Latin studies, I advise you to do the same, that you may have equal readiness as an orator and a philosopher.

The proper correlative of *ut* would be *ita.* Instead of it we find *idem,* which, according to Gernhard, refers not to *ut* but *id.* May not this be considered a slight additional reason for the interpretation of *utriusque orationis* which is given in this note? G. B.

2. *Ut videmur*] Z. Gr. § 380.

Docti] Cicero called those *indocti* who were unacquainted with Greek literature. See Acad. Quæst. I, 2.

Aliquantum] Z. Gr. § 488.

Et ad dicendum et ad judicandum] for their aid not only as orators, but also as philosophers.

3. *Disces tu quidem . . . . et disces*] For similar repetition for the sake of emphasis, see 25, 10., 27, 7. The future is here a softened imperative. Z. Gr. § 586. *Tu quidem.* Z. Gr. § 278.

Utrique] that is, both the sects, (the New Academy and the Peripatetics,) to one of which Cicero, to the other Cratippus, belonged. Z. Gr. § 141.

Impedio] Observe that the singular number is used, notwithstanding

the occurrence of *nostra* and *nostris* in the same sentence. Exact consistency would require either *impedimus* or *mea* and *meis.*

Legendis nostris] A repetition of *nostra legens,* occasioned by the introduction of the intervening parenthetical clauses.

4. *Scientiam*] *skill;* as *scire, to know how.*

5. *Hos de philosophia libros*] It is evident from the words: *qui illis se æquarunt,* that Cicero has here in mind all his philosophical writings, and not merely this work, de Officiis.

6. *Ut idem elaboraret, sequereturque*] *Elaborare* means to labor with success. *Laborare,* when used alone, implies a want of success, which signification it loses when it is joined with a word of opposite meaning. Comp de Orat. III. 33. *Utroque in genere et laboravit et præstitit.* *Sequi,* to *endeavor to attain.*

Phalereus] For the pronunciation of this and similar words, see Z. Gr § 52. 4. For Cicero's opinion of the style of Phalereus and of Theophrastus, the master of Phalereus, see *Brutus,* IX. and XXXI. The chief merit of Phalereus consisted in this, that he set forth the doctrines of the Peripatetics in a popular and pleasing style. A. W. Z.

Disputator] For the meaning of this word observe its derivation.

8. *Potuisse*] Z. Gr. § 593, § 518.——*Alterum*] sc. *studium* instead of *studium alterius.*

Ch. II. 1. *Sed*] This word serves to recall from the digression of the preceding chapter to the proper introduction to his work. Z. Gr. § 503.

2. *Nam*] The course of thought is as follows: Inasmuch as I had determined to write to you somewhat at the present time, and much hereafter, I desired especially to begin with that which should be best suited both to your time of life and to my character. I accordingly made ethics my subject. For, etc. The reason for the omission in the text of the clause to which *nam* refers, is obvious without explanation. He proceeds to give the first reason for the selection of his subject. The second reason is found below, § 4. *Atque hæc,* &c.

4. *Hæc quidem quæstio*] instead of *quæstio de hac re.*

Tradendis] Z. Gr. § 643. Respecting the present signification of this participle, see Z. Gr. § 652.

5. *Disciplinæ*] *Schools, sects of philosophers.*

Bonorum et malorum finibus] *Finis bonorum* is *the highest good; finis malorum, the greatest evil.* Comp. Cic. de Fin. III. 7. Z. Gr. § 563.

6. *Hic si sibi ipse consentiat .... vincatur .... possit*] *This man, if he is consistent with himself and is not sometimes overcome by the goodness of his natural character, can cultivate neither friendship, nor justice, nor generosity.*

Cicero uses the present instead of the imperfect subjunctive in the protasis and apodosis of this sentence, in order to avoid denying that the con

sistency spoken of does sometimes exist, and that there is sometimes a suc cessful conflict with the goodness of natural character, which prevents the cultivation of friendship, &c., which he would have denied had he used the imperfect forms, *consentiret . . . . vinceretur . . . . posset.*

Et non] Z. Gr. § 781 and § 334.

Fortis . . . . temperans] these words are in the predicate of the sentence.

7. *Quamquam ita sint*] Z. Gr. § 574. *Ita in promptu, so far from being abstruse.*

Alio loco disputata] In the books de Finibus and the fourth and fifth books of the Tusculan. Disputt.

8. *Velint . . . . queant*] Comp. note on § 6.

Præcepta firma . . . . naturæ] The firm (*firmum*) can defy assault; the stable (*stabile*) is subject to no change. Död. *Conjuncta naturæ, in harmony with nature,* i. e. with the fundamental principles of human nature. Conjunctus, when used as an adjective, is limited by the dative—*qui solam*, the Stoics; *qui maxime*, the Academic and Peripatetic philosophers. Z. B.

9. *Propria*] Z. Gr. § 411.——*Præceptio*] *the giving of precepts.*

Stoicorum . . . . Herilli] "If three or more substantives are joined, it is usual, in good prose, either to omit the conjunction in all cases, or to insert it between each." Z. Gr. § 783.

Aristo of Chios, and Herillus of Carthage were Stoics; Pyrrho was the founder of the sect of the Skeptics. They agreed in considering all external things indifferent—in denying that they should be reckoned among things good or evil. 1. Pyrrho taught this by denying all grounds of truth. For, if in the case of our objects of thought there is never any reason for considering them, or any one of them, true rather than false, then of course there is never any true ground for asserting that any external object is good, or a proper object of desire or preference. "Pyrrho is said to be the originator of the doctrine that there is no difference between health and sickness, life and death."

2. Aristo, like Herillus, deviated from Zeno, their common teacher and the founder of their sect. He rejected all parts of philosophy except ethics, and even limited the domain of ethics itself, for he taught that its object is not to treat of particular duties and encouragements to virtue, but that it is the province of the philosopher to show wherein the supreme good consists. "With Aristo, naught is of worth but virtue, nothing is evil but vice. He seeks to refute the opinion that there is such a difference in external things that one is preferable to another."

3. Herillus limits the virtue of the sage to science and knowledge. He considers practical life, which is occupied about external things, as simply necessary, and denies it to be beautiful, on the ground that it does not contribute aught to the supreme good.

This principle, common to these three philosophers, strikes at the root of practical morality. For if life is not preferable to death, health to sick-

ness, the possession of property to the want of it, then the murderer, the man of violence, and the robber, do no wrong. On the other hand, the Stoics, while they maintained that virtue alone was to be sought for its own sake, nevertheless conceded that external things, although none of them could be called a genuine good or a real evil, were yet valuable, and that different external things differed in value, and might be preferred one to another. Comp. Ritter's Hist. Anc. Philosophy, translated by Morrison, Vol. 3, pp. 394, 456, and 458. Abhandlung über d. menschl. Pflichten d Cicero, übersetzt von Garve, p. 5, note.

Delectum] See preceding note.

10. *Stoicos*] Z. Gr. § 789.

Hoc quidem tempore] For Cicero, although an eclectic, was rather inclined to the philosophy of the New Academy than to that of the Stoics.

12. *A ratione*] Zumpt, personifying *ratio*, makes this the ablative of the voluntary agent. Gernhard, like Zumpt, makes the clause equivalent to *quam ratio suscipit*. Beier omits the preposition. Bonnell retains *a* with its common signification, and translates: vom Wesen der Sache ausgehend, proceeding *from*. Goerenz gives it the signification which it has in such phrases as *ab hac parte*, *a qua parte*. It may be translated as follows: *all teaching* (literally, *every giving of instruction*) *which is methodically undertaken ought*, etc., which is substantially the rendering of A. W. Zumpt.

Ch. III. 1. The whole investigation of duty consists of two main divisions, of which the *theoretical* determines the idea of the highest good, and the *practical* the application of the same to the ordering of practical life (*usus vitæ*) in all its relations. B.

2. *Numquid*] Z. Gr. § 351.

3. *His libris*] Z. Gr. § 481.

4. *Alia divisio*] It will appear below that this division coincides essentially with the other.

The Stoics divide duties (τὰ καθήκοντα, *officia*) first into perfect, (τέλεια or κατορθώματα, in Cicero, *perfectum officium* or *rectum*,) secondly, into middle (μέσα, or, without qualification, καθήκοντα, in Cicero *media officia*, or merely *officia*.) A. W. Zumpt.

Vocemus] Z. Gr. § 527.

Hoc autem commune officium vocant] Most editors insert καθῆκον, after *officium*. Heusinger and Zumpt reject it as wanting authority, and make *officium*, the corresponding Latin word, its substitute. *But this common* (duty, i. e., that which men commonly mean when they speak of duty,) *they call officium*. Heusinger, however, refers *hoc* to *medium officium* above, and connects *commune* with *officium* in the predicate, the expression being then equivalent to μέσον καθῆκον. The following remarks, translated and much condensed from Garve, (Anmerkungen, p. 9, seqq.) are thrown in

here to aid those who are not familiar with the doctrines of the Stoical philosophy, in understanding the somewhat obscure sentences in this section.

The Stoic believes that nothing can be a good for man which does not pertain to himself; that he is therefore only concerned to know what his nature is, and then to perfect it. All men indeed unconsciously make it their ultimate aim to bring themselves nearer to perfection. But the wise man, becoming conscious of this ultimate aim, leaves the indirect paths by which the artificial motives and social prejudices and passions of men seek for happiness, and shapes his course directly towards this goal.

Nothing, at the first glance, appears more absurd in the system of the Stoics than this: that they, who consider virtue the only good, set down all the duties of which Cicero treats in this book among things indifferent—things which, like riches and honor, are neither good nor bad—which deserve some preference to be sure, but never further the true happiness of man.

But this system finds a parallel in the creed of theologians, who consider sinful the virtues of the heathen, and account every performance of duty, which does not spring from Christian motives, better indeed than the neglect of the same, but insufficient to make man acceptable to his Maker or blessed in himself. Now to the Christian of these theologians corresponds the wise man of the Stoics. The virtues of the heathen and the unconverted are their *media officia*—acts by which external good is secured and evil avoided, but which nevertheless give no sign of true, internal, moral goodness. The virtues of the Christian, the acts of the completely reformed, or rather, the completely developed—the altogether perfect man—are the *officia perfecta.*

The substance of this is, that man's acts hold a twofold relation; one to the heart and spirit of the man, from which they spring, the other to the effects which they cause in the world. Perfection—the true good, lies only in man, in his inner, spiritual nature, in his fancies, his inclinations. External acts therefore can be good or bad only in the first of the two relations mentioned above—they can share in perfection only so far as they are the outbreaks of the soul's excellence.

In the second relation, that is, in relation to the outward aims and consequences, each act can have only that degree of value or worthlessness which the things themselves have, of which it is the cause. If I alleviate the pain of a sufferer, or relieve the want of a poor man, the act can be estimated no higher than the health which I restore, or the want which I have satisfied. But inasmuch as these things, according to the system of the Stoics, are neither good nor evil, that act itself, estimated only in view of its effects, can be called neither good nor evil. It has certainly a value, because health and sustenance are valuable; but this value is only so great that there arises a difference between it and its opposite, in accordance with which choice must be made, in case of a choice, but not so great that it would be in itself a proper object of desire.

Man has his own regularly constituted nature. All the faculties of his being have certain tendencies. If this nature exist in its entire completeness and extent, if all these tendencies are fully satisfied, then the man is virtuous. All that such a man does is good, is κατόρθωμα, is perfect duty. It may perhaps, in the eyes of the whole world, not be different from that which the ordinary, or even the bad man does; it may perhaps, in relation to the good of society, be of equal value, but within it has a spirit altogether different—a different power. The one man works always with all the faculties of a perfect soul, and these faculties in mutual union and in harmony. The other is, so to speak, called out and determined only by the occasion. True virtue is an ever-burning fire, which produces of itself light and heat. The virtue of the imperfect man is a light kindled for the occasion, a warmth imparted for the moment.

An act may be adapted to circumstances and satisfy some visible relations. It may benefit many and harm no one. And then the great portion of mankind call it upright and ask nothing more. But the sharper eye of the philosopher searches deeper. It sees a great difference between the manner in which this act is performed by the wise man, on the one hand, and by the common man on the other—by him whose character is thoroughly and always upright, and by him who determines to do right this time in view only of motives derived from present circumstances. From this comes the Greek name given by the Stoics to such a duty, and their definition which Cicero here introduces. They call such a duty καθῆκον, *the suitable, the fitting*, and define it as an act for which rational grounds can be given.

The reflecting reader will be struck by this, and ask: Can there be a higher goodness of actions, than that of having performed them according to reason? "Certainly not," would the Stoic answer, "if it were the completely enlightened reason. The definition does not mean to say that the duties commonly required and performed in human life, are *altogether* in accordance with reason, but that they can be justified. Moreover, in the case of a perfect act, which we call κατόρθωμα, the whole of the conduct is taken into view; in the case of that which we call καθῆκον, only individual acts, separate from the rest. Each act attains exact moral rectitude only by its union with the whole life. The life of the wise man is a harmonious whole; the life of the fool consists of fragments. There are times when the latter has become attentive to circumstances, and has found out what he ought to do, and there are times when he has only followed his undisciplined nature. The wise man ever acts according to character, and this is good. Duties of the inferior sort are performed rather from a consideration of circumstances; duties of the higher kind, from the inner impulses of the soul."

It is now easy to understand, that according to these ideas, the Stoics were obliged to consider all perfect duties equal, and to allow no degrees

among the virtues. Actions are mirrors of the soul, and in those which are little as well as in those which are great, eyes that are sharp enough can discover the soul's image exactly delineated.

6. Having finished his preliminary remarks, Cicero proceeds to the proper subject of his treatise, to wit, a discussion of common duties, καθήκοντα, and occupies the remainder of this section in enumerating the several divisions into which his subject naturally falls. We have, therefore, in this passage, an epitome of the whole work. First book, chapters 4–42 *de honesto;* 43 to end of book, *de comparatione honestorum;* second book, 1–24, *de utili;* 25, *de comparatione utilium;* third book, *de contentione honestatis cum utilitate.* See Conspectus, p. 1.

Aut] Instead of a corresponding *aut*, there follows *Tum autem*, in § 7, and *Tertium*, in § 8.

Dubitant] from *duo.* Comp. Eng. doubt; Germ. Zweifeln, from Zwei, two. Hence, not only to doubt, in consequence of looking at the two sides of a question, but also to look at both sides, to consider well. Comp. B. and Freund, s. v.

7. *Aut anquirunt*] *carefully investigate*, i. e. by themselves, alone. *Aut consultant, consult* with others. Z. The idea of care is found in the prefix of *anquirunt, an, am, ambi,* ἀμφί, on all sides. See Beier.

Ad facultates rerum atque copias] *facultas* is the same as *facilitas*, from *facilis, facere*, and means *ability to do. Facultas rerum*, ability to do in relation to property, or control over property; hence *possession*, which this control implies. The phrase may be translated, *possession and abundant supply of property.* Bonnell says that it is equivalent to the word *divitiæ.* Comp. Z. For use of plural, Z. Gr. § 92.

Opes] Z. translates *influence*—the influence which is derived from friends and dependants. Comp. 32, 2., where *divitiæ* and *opes* occur in connection and cannot therefore mean the same thing. B. on 25, 4.

Rationem utilitatis] *the category of expediency.*

Possint] An indicative here would take the clause out of its connection with *conducat*, and make it a direct assertion.

8. *Dubitandi*] See § 6.

9. *Duo prætermissa sunt*] *scil. a Panætio.*

10. *Primum .... disserendum*] See § 6.

Ch. IV. 1. See Conspectus, p. 1. *Principio*] *first of all.*

A natura] By the use of the preposition, Cicero makes nature the voluntary agent.

Tributum] differs from *attributum*, which would imply previous gifts.

Ut se, vitam corpusque] Comp. 2, 9. and Z. Gr. § 783.

Tueatur, declinet, anquirat, paret] Z. Gr. § 622, § 623.

2. *Commune*] Z. Gr. § 368. *Autem*, instead of being adversative, is often

a particle of transition, or serves, as in this sentence, only to continue the argument.

Quod adest quodque præsens est] Heusinger and Degen interpret *adest* as referring to *nearness in space, præsens, nearness in time.* Bonnell agrees with Beier in making both phrases refer to time, as *præteritum* and *futurum* which follow, can have no other reference.

Cernit, videt, non ignorat, videt] rhetorical variety of expression. B. But *cernit* differs from *videt* in implying a use of the judgment. Z. *Consequentia* differs from *sequentia* in denoting a connection; here connection of cause and effect.

Earumque (*scil. rerum*, B.) *progressus et quasi antecessiones*] *who is not ignorant of their course forward and, so to speak, backward,* i. e. who understands the connection of events, knowing how to trace it from cause to effect, and from effect to cause. Z. makes *earum* refer to *causas.* B. defends his interpretation by citing a similar passage, (de Fin. II. 14,) *quæ* (*mens*) *et causas rerum et consecutiones videat.* *Antecessiones* is found only in Cicero, and only in the philosophical parts of his writings, which accounts for the accompanying *quasi.* See B. and Freund.

4. *Cœtus*] is the most general expression for coming together, and contains no intimation of an object. *Celebrationes*, implies the existence of some object of meeting, such as sacred rites, games, or the like.

Suppeditent] Z. Gr. § 145.

Et . . . . et] When *quum* and *tum* occur as correlatives, the latter introduces the more important particular, and their signification is: *not only* . . *but much more also.* In this passage the order of importance is reversed. B.

Tueri] *to support.* Comp. Paradox. VI. 1., where *tueri* and *alere* are used with the same signification. Z.

5. *Inquisitio*] in general, the zealous endeavor to get a thorough insight into the truth of every subject.——*Investigatio*] implies a difficult and laborious search after the true, while we follow the occasionally concealed traces of its verity. Beier.

Videre, audire, addiscere] Z. Gr. § 783. 2, 9. 4, 1. and infra, *verum, simplex, &c.*

6. *Informatus*] the same as *formatus*, well *constituted*, (literally, *moulded.*)—*a natura.* See 4, 1.

Nisi præcipienti, &c.] *præcipere* means to give rules of conduct in life; *docere*, to teach what is true.

Humanarumque rerum] Cicero here refers to external things, as it will appear from a comparison of Cap. 20, 1 and 3, where *humana* and *res externæ* evidently refer to the same things. Compare also 5, 5, and 18, 6 Z. B.

7. *Eorum, quæ aspectu sentiuntur*] the visible world.

8. *Quam similitudinem*] *The likeness of which.* Comp. 2, 4. His ra

tional nature transferring the likeness of this from the eyes to the mind i. e. transferring the idea of beauty, &c., from the objects of vision to the attributes of the soul. Comp. B. and Garve.

Conservandum] Z. Gr. § 376.

9. *Etiamsi nobilitatum non sit*] This is aimed at the opinion of Epicurus: *qui negat se intelligere quid sit honestum, si id non est in voluptate, nisi forte illud, quod multitudinis rumore laudatur.* (Fin. 2, 15.)

Honestum est] *est* has been preferred to *sit* in this edition. Zumpt retains the *sit* of Heusinger, the construction being similar to that of the subjunctive in the apodosis in chapter 2, 6. Beier and Orelli prefer *est*.

A nullo] used substantively instead of *nemine*. Z. Gr. § 676.

In this fourth chapter Cicero enters on the discussion of the *honestum*, by making a cursory examination of the nature of man, designing thereby to settle the basis of his subsequent subdivision of the *honestum* into the four cardinal virtues, viz., *justitia*, (see § 4,) *sapientia*, (see § 5.) *magnitudo animi*, (§ 6,) *temperantia*, (§ 7 and § 8.)

CH. V. 1. *Formam .... sapientiæ*] *formam* embodies, *faciem* personifies, moral goodness. Doederlein, IV. 318. Cicero refers to this passage, Phædrus of Plato, (see 65,) in the second book de Finibus c. 16, where he translates it as follows: *oculorum est in nobis sensus acerrimus, quibus sapientiam non cernimus; quam illa ardentes amores excitaret sui, si videretur!*

2. *Rerum contractarum*] *fidelity in regard to contracts.* Instead of *res contractæ*, *contractus* was afterwards used.

3. *Quæ prima descripta est*] *which was first set off* (from the rest.) *Sapientia* and *prudentia* are the moral *qualities* which correspond to the *perspicientia veri sollertiaque*, while *indagatio atque inventio veri* are the corresponding moral *duties*. B.

Velut ex ea parte .... inest] By this anacoluthon Cicero avoids the repetition of *nascuntur*, the last word of the preceding sentence.

Ejusque virtutis] scil. *sapientiæ* et *prudentiæ*, which are not distinguished here as in Chap. 43.

4. *Ut enim quisque .... is*] Another example of anacoluthon, occasioned by the introduction of the relative clause: *quique*, etc. Otherwise *sic* or *ita* would have followed to correspond with *ut*.

5. *Huic*] scil. *virtuti*.

Reliquis autem tribus virtutibus] scil. *justitiæ*, *fortitudini*, *temperantiæ*.

Necessitates] the necessary external relations of life. B. Compare 44, 10. The field of the three remaining virtues is human needs, and laboring here, it is their business to create and preserve those things in which practical life (life's action) is comprised. Thus *justitia* has to do with the establishment and maintenance of society, &c.

Ut .... eluceat] This passage sets forth in general terms the objects of *justitia* and *fortitudo.—Societas hominum*, is human society at large; *conjunctio* is more limited, and refers to attachments of friends and relatives. See 17, 5. B.

6. *Ordo .... conservabimus*] The virtue of *temperantia* remains to be briefly described. Cicero particularizes *ordo, constantia, moderatio*, because there is no one word in Latin which exactly corresponds with the Greek *σωφροσύνη*. In the first of these two sentences he repeats what is stated with less prominence in the preceding sentence, *Reliquis .... continetur*, namely, that these virtues and the like (all belonging to the fourth in order) *have their sphere in that department of things to which* (external) *activity is to be applied*, in which respect they differ from *sapientia*, whose duties (*indagatio atque inventio veri*) require *mentis agitatio*. The last sentence brings out the practical duty of the fourth virtue (his rebus, quæ tractantur in vita, modum quendam et ordinem adhibere) and its aim, (honestatem et decus conservare.) B.

Autem] Compare 4, 3.

Ch. VI. Having set forth and briefly defined the four subdivisions of the morally good, (honestum,) he proceeds to discuss them severally at greater length. The following section is devoted to *sapientia*, and particularly to the laying down of practical rules in relation to it.

1. *Locis*] In the beginning of the fifth chapter, *partes* is used instead of *loci*. (5, 1.) Compare Lib. III. Cap. 2. §§ 2, 10, 11, and 13.

Naturam attingit humanam] *bears the closest relation to the nature of man*, is in the highest degree adapted to, &c.

2. *Cognitionis et scientiæ*] The former denotes the acquisition of knowledge, the latter knowledge as a possession.

Trahimur et ducimur] *Ducimur* volentes, *trahimur* inviti. Z. *Trahimur* naturali impetu *ducimur* rationis jussu. Görentz. See Beier.

4. *Quod .... conferunt*] Ramshorn maintains that the indicative is always used in such explanatory clauses with *quod*, unless the writer introduces the opinion of some other person. Ramsh. Gr. § 178. Comp. 4, 3 and 7.

Easdemque] Z. Gr. § 697.

5. *Quod .... operæ curæque*] Z. Gr. § 432.

Ut in astrologia C. Sulpicium (operam curamque posuisse) *audivimus*] Caius Sulpicius was consul, B. C. 166. Cicero was born, B. C. 106. Sulpicius, when tribune under Æmilius Paullus, in the Macedonian war, predicted an eclipse of the moon that was to occur on the day on which a battle was to take place, and thus prevented the alarm which its unexpected appearance would have occasioned among the soldiers. Compare Liv. 44, 37, and Cic. de Rep. I, 14, 15.

Sex. Pompeium] The uncle of Pompey the Great, distinguished as jurist and geometrician. Cic. in Bruto, c. 47.

6. *Quæ omnes artes .... versantur*] *all which sciences have their sphere in the investigation*, &c.

Ad studia] scil. *ad operam curamque in rebus honestis et cognitione dignis ponendam.* Compare 5. In the next clause, however, (*in studiis cognitionis*,) the author refers to the *involuntary* endeavors of the soul to make progress in knowledge.

Tum] =*præterea.—agitatio mentis*, *mental activity.*

Ch. VII. The second of the four virtues is discussed in the 7—18 chapters. See Conspectus.

1. *De tribus autem reliquis*] *Rationibus* is to be supplied, as *ea ratio* follows. Compare 3, 7. B.

Vitæ quasi communitas] *Communitas* is a word of extremely rare occurrence except in the writings of Cicero, who uses it chiefly in his philosophical works. It is on account of the novelty of the expression *vitæ communitas* as a substitute for the more usual *vitæ societas*, that he throws in the word *quasi.* Comp. 4, 3. B.

Qua .... continetur] For an explanation of the meaning of this clause, see 16, 5, and III, 17, 4.

In qua .... maximus] Comp. Aristot. κρατίστη τῶν ἀρετῶν εἶναι δοκεῖ ἡ δικαιοσύνη.

Viri boni] Both these words are in the predicate, the verb being used in an absolute sense, or rather, with an absolute subject, *homines*, corresponding to *man* in German, or *on* in French. Compare 9, 1, *nolunt.* For Cicero's definition of *viri boni*, see Tusc. Disp. 5, 10. Comp. Freund.

Beneficentia] This division of the second virtue is the subject of chapters 14–18, 5.

Quam .... appellari licet] Z. Gr. § 601.

2. *Ut ne*] Z. Gr. § 347.

3. *Ut qui*] We may supply *ut sunt eorum.* Z., or, *ut privata sunt iis* = *as they have private property.* Bonnell prefers to translate *ut*, *according as.*

Pactione] *by mutual agreement*, as, by bargain and sale.

Conditione] in consequence of a condition imposed. *Sorte* has reference to the public distributions of land, e. g. among colonists when sent out, which took place according to lot.

Arpinas .... Tusculanus] Cicero was a native of Arpinum, and had a villa in Tusculum. Hence the selection of these examples. For termination of Arpinatium, see Z. Gr. § 66.

Descriptio] *distribution.*

Ex quo .... communia] The order is: *quia* (*id* or *aliquid*) *eorum*, *quæ natura fuerant communia, fit cujusque suum; becomes each one's own. Suus* has the sense of *proprius.*

Teneat] used imperatively.

5. *E quo .... appetet*] *e quo* is the logical object of the verb, but grammatically *aliquid* must be supplied.

A Platone] See ninth letter ad Archytam.——*Solum*] Z. Gr. § 687.

Ortusque] After a negative clause *que*, as well as *et*, has often an adversative signification. *Ortus* cannot be construed strictly, yet it follows *nati sunt* naturally, and we may use a similar expression in English: we have not been born for ourselves alone; but our country claims an interest, our friends an interest in (lit. a share of) our birth.

Quoniam ... nati sumus ... atque, ut placet Stoicis ... creari] Observe the anacoluthon. Instead of *creantur* we have *creari*, which depends on *placet*.

Communes .... afferre] Compare 16, 8. The duties which Cicero finds enjoined by nature are twofold: (1.) to labor to render those things accessible to all which are useful to the public generally; (2.) to aid in strengthening the bonds of human society by the interchange of kind offices.—*mutatione officiorum* is the general term which includes the particulars next mentioned. Comp. B.

Tum .... tum .... tum] Compare 44, 11, where it is used four times.

Artes] Compare chapter 42. B.

6. *Fundamentum justitiæ*] In § 2 he states the two *munera justitiæ*. He now establishes it on the basis of good faith.

Quia fiat .... fidem] In another place Cicero says: *Fides enim nomen ipsum mihi videtur habere, quum fit, quod dicitur.* De Rep. IV, 7, 21. Orelli's edition.——*Fiat*] Z. Gr. § 546.

7. See Conspectus.

8. *Aliqua perturbatione*] *animi* commonly follows *perturbatio.* Comp. 8, 9. 20, 1—*aliqua* for *alia qua*, for *ira* is a *perturbatio animi.* Zumpt (ad Verr. V. 28, 72) says, Nam *aliquis* sæpissime est pro *alius quis.* Compare objections to this explanation in Neue Jahrb., vol. 55, p. 171.

Is quasi .... videtur] *quasi* and *videtur* are introduced into the clause because the language is figurative and not strictly true. Comp. 4, 3.

In vitio] "*In vitio esse* dicitur, quod vitiosum est; ut *in laude*, quod laudabile." Comp. 19, 1. 14, 3. 15, 3. Comp. Engl. *in the wrong.*

Deserat] The connection of tenses requires the present in Latin. The English idiom does not admit it.

9. See Conspectus. *Nocere*] Z. Gr. § 614.

10. *Aggrediuntur*] Comp. 7, 1. *nominantur.* The subject is, in this case, qualified by *maximam partem.* Z. Gr. § 459.

§§ 9 and 10 contain the subdivision into two parts, of the first kind of wrong mentioned in § 7. The second of these subdivisions (§ 10) Cicero makes the subject of the next chapter as far as § 9, but only in a limited way, by confining the discussion to avarice and ambition as examples of the whole.

Ch. VIII. Cicero gives four reasons for which men seek wealth, (1.) *ad usus vitæ necessarios*, (2.) *ad perfruendas voluptates*, (3.) *ad opes et gratifi-*

candi facultatem, (4.) *delectant etiam magnifici apparatus .... cum elegantia et copia.* B.

1. *Tum*] See 5, 5.

2. *M. Crassus*] Pliny (H. N. 33, 10) says of Crassus: In agris suis sestertium M M possedit, = 200,000,000 sesterces in real estate, = 50,000,000 denarii. If his income from this was only six per cent., (which was only half the usual rate of interest for money at that period,) it yielded him 3,000,000 denarii yearly, equal to about 462,000 dollars of our money.

If we reckon the pay of a common soldier at ten denarii a month, as it was before Julius Cæsar raised it, and the number of soldiers in a legion at 6,000, the cost of maintaining one legion a month is 60,000 denarii, or an army of four legions a year, 2,880,000 denarii, equal to 443,000 dollars, which is less than the income estimated above. But the maintenance of an army occasioned other expenses besides the pay of the legionary soldiers. The equites and the superior and inferior officers must be paid. The property of Crassus, however, was not limited to the real estate mentioned above. Compare the calculations of Zumpt.

5. *Imperiorum, honorum*] *military* and *civil offices.*

6. *Nulla .... regni est*] This quotation is supposed by some to refer to the sons of Œdipus.

7. *Declaravit id modo*] Julius Cæsar was assassinated in the spring of the year in which Cicero wrote this book.

Propter eum .... principatum] According to 4, 6, there is implanted in man's moral nature an *appetitio quædam principatus.* But Cæsar had formed a mistaken idea of this *principatus,* which led him to the violence alluded to.

9. *Perturbatione .... animi*] *passion.* See Tusc. Disp. 4, 5. "*Quæ Græci πάθη vocant, nobis perturbationes appellari magis placet quam morbos.*"

Observe the corresponding terms in the last sentences of the section: *repentino aliquo motu* corresponds to *perturbatione aliqua animi; meditata* and *præparata,* to *consulto* and *cogitata.* B. *Meditata,* see Z. Gr. § 632.

De inferenda injuria] Comp. 2, 4.

Ch. IX. 1–5. See Conspectus.

1. *Nolunt, impediuntur*] Compare 7, 1.

2. *Videndum est, ne non*] Z. Gr. § 534, and § 535. Literally: *we must look to it, lest that be not enough,* i. e. unsatisfactory.

In philosophos] *on philosophers,* i. e. concerning them.

Expetant .... soleant] Beier, Orelli, and others give the indicative, which would be explained in Zumpt's Gr. § 547.

3. *Nam alterum .... incidunt*] The difficulties presented by this passage as it stands have occasioned the suggestion of various changes in the text. Heusinger proposes to omit *justitiæ genus;* Facciolati to insert *injustitiæ* after *incidunt.* Zumpt leaves the text unchanged and construes the second *alterum* substantively: *in alterum incidunt, they fall into some-*

thing else. He approves however of the reading of one manuscript, (Bernensis c.,) which, instead of *in alterum incidunt*, gives: *in altero delinquunt*, and this reading is adopted by Bonnell. It certainly removes all difficulty as Z. says.

4. *Putat*] scil. Plato.

Æquius erat] Z. Gr. § 518. *Voluntate* = *sponte.*

Nam hoc ipsum .... voluntarium] Garve paraphrases this sentence nearly as follows: for every action in itself good, becomes virtuous only by being voluntary. The order is: *Nam hoc ipsum, quod recte fit, justum est ita, si est voluntarium.* Z. Gr. § 281, § 726.

5. *Studio .... odio*] Z. Gr. § 454.

6–8. See Conspectus.

6. *Contineretur*] Z. Gr. § 514.——*Temporis*] occasion, situation, relation.

7. *Est enim .... alienarum*] i. e. because selfishness interferes.

Quamquam] *However*, or *and yet.*

Terentianus, &c.] See Terence, Heautont. Act 1, Scene 1, for this frequently quoted, and often misquoted, verse.

8. *Quod dubites*] Z. Gr. § 558.

Ch. X. In this chapter Cicero teaches that justice should be observed to the spirit, not to the letter. See Conspectus.

1. *Migrare*] i. e. *transgredi, lædere*, as *migrare jus*, (de Leg. 3, 4.) Z.

2. *Ut ne cui*] Compare 7, 2.——*Principio*] i. e. at the beginning of this discussion of justice, (chapter 7.)

3. *Ea cum tempore commutantur*] *Ea* refers to the words immediately preceding, *ut ne cui noceatur* and *ut communi utilitati serviatur*, not to *fundamenta.* Observe that *cum* is not a preposition.

Potest enim accidere .... ut id, etc.] *Ut id sit*, implies that the preceding clause is qualified in the mind by some such word as *tale, ejusmodi;* or rather, the fact that *ut id* is substituted for *quod*, is to be attributed to the influence of *accidere.* Compare Z.

4. Compare III, 25.

6. *Ut, si constitueris*] Z. Gr. § 524. This word governs the dative, on account of the promising implied in it.

Te advocatum .... venturum] *that you will come as an advocate to a case in court.* For the original and retained meaning of the technical phrase *in rem præsentem*, consult Adam's Rom. Antiq.

Non sit contra officium] The subjunctive is used here on account of the contingency in the protasis. See 2, 6.

7. *Coactus metu, deceptus dolo*] instead of *metu* and *dolo* simply, as ablatives of cause. Z. Gr. § 719, and § 454.

Jure prætorio] See Heineccii Antiq. Rom. Synt. I. II. § 19 seqq., also Smith's Dict. of Antiquities, articles *Edictum* and *Jus.*

12. *Quidem*] gives emphasis to the pronoun. Z. Gr. § 278.

CH. XI. See Conspectus. 1. *Adversus*] = erga, Z. Gr. § 299.——*Haud scio an*] Z. Gr. § 354.——*Eum, qui lacessierit*] Z. Gr. § 545.——*Ne quid tale*] Z. Gr. § 771.

5. *Nollem Corinthum*] sc. *sublatam esse.* Z. Gr. § 528, note 2

Aliquid secutos] *that they had something in view*, and so were not prompted by cruelty.

6. *Quæ habitura sit*] Observe the difference made by using the subjunctive instead of *habitura est* in this clause. See Z. Gr. § 558.

In quo si mihi esset obtemperatum] Cicero here refers to his fruitless efforts to prevent civil war, by restoring harmony between Cæsar and Pompey. The sentence contains only a side thought.

7. *Cum .... tum*] See 5, 5.——*Confugient*] Observe this idiomatic and frequent use of the future instead of the pres. subj. in intermediate relative clauses, which contain the enunciation of precepts and laws. Comp. 14, 2 and 10; 25, 8; 38, 2; 40, 2; 41, 9 and 12; 42, 10. B.

Quamvis murum aries percusserit] It was a custom of the Romans having well nigh the force of a law, to spare the enemies who surrendered *before* the battering-ram was applied to the walls. Comp. Grotius de jure belli et pacis, III, XI, XIV, 2.

9. *Fetiali .... jure*] See Smith's Dict. Antiq., *Fetiales.*

Ex quo] sc. *jure.* Observe reason for war given in the forms contained in Liv. I. 32.——*Aut denuntiatum*] Comp. Liv. XXXVI, 3. B.

10. *Popilius*] M. Popilius Lænas. Comp. Liv. XL, 7 sqq.

11. *Scripsit ut .... obliget*] The tense to be expected here was *obligaret.* But the writer turns, although in the *oratio obliqua*, to an imperative tone, as it were. A similar violation of the usual rules for the connection of tenses, is found Sall. Cat. 34. *Respondit, si quid ab senatu petere vellent, ab armis discedant.* Z. Gr. § 512.

12. *Cum in Macedonia .... esset*] The clause in brackets is rejected by Zumpt, on the ground of the improbability that the son of Cato should have been discharged by Popilius, and again, five years later, by Æmilius Paullus, with whom it is not denied that he served as a soldier in the war with Perses. He would therefore refer the statements of § 12 to the occasion before alluded to.

Negat enim .... pugnare] *pugnare* is the subject. Comp. III, 10, 7. *Alteri deripere jus non est.* Z. Gr. § 659.

CH. XII. Cicero passing from the mention of *hostis* in the words of another to speak for himself, commences with *equidem* = *ego quidem, I for my part*, &c. B. The order of construction is: Animadv. lenit. verbi rei trist mitigatam, [esse,] quod, qui, &c. Z. Z. Gr. § 628.

2. *Ut*, STATUS DIES CUM HOSTE] *as "a set day with a stranger."* These words, like those which follow, contain no proposition, but are only quoted to show the ancient use of *hostis.* That *hostis* in the passages quoted means

foreigner, is evident; for, that a public enemy should ever gain property by right of possession, or should ever be engaged in a regular judicial investigation with a Roman, would be absurd.

3. *Quicum*] Z. Gr. § 133. But observe the exceptions to Zumpt's remark, cited in Neue Jahrb.——*Appellare*] The infinitive in apposition with *mansuetudinem.* Comp. de Nat. Deor. III, 24: magnam molestiam suscepit Zeno.... commenticiarum fabularum *reddere* rationem. Z. Comp. remarks of Z. Gr. § 598.——*Ferret*] Z. Gr. § 569, and § 514.

4. *Easdem quas dixi .... causas*] Comp. 11, 2 and 3.

5. *Ut enim civiliter .... famæ*] Instead of *aliter si est inimicus* [quicum contendimus] *c o n t e n d i t u r*, Cicero, by a kind of anacoluthon, satisfies himself with using, in the next clause of the sentence, the words *certamen est.* Observe that *alterum .... alterum* refer to *inimicus* and *competitor* in a reversed order. See Z. Gr. § 700, note.——*Civiliter*] *as citizens*, not as soldiers. Comp. remarks of Z. on this passage.

Celtiberis] concerning whose city, Numantia, Cicero speaks 11, 4.

Pœni fœdifragi, &c.] Z. Gr. § 776. But comp. Neue Jahrb., ut supra.

6. The quotation is from the fifth book of the Annals of Ennius, and is a part of the address which the poet represents Pyrrhus as making to the Roman ambassadors who came to ransom their countrymen.

Dederitis] Z. Gr. § 529.

Utrique] Observe that the plural implies that each party consists of more than one. Pyrrhus speaks not merely of himself, but of his countrymen who were engaged with him.——*Acpite*] for *accipite.*

Dono, ducite] Other editors omit the comma, and consider *dono* a noun: *take them for a gift.* Comp. B.

Æacidarum genere] The kings of Epirus claimed descent from Pyrrhus, the son of Achilles, who was a grandson of Æacus. Comp. Z.

Ch. XIII. 2. *Captivos reddendos non censuit*] *Non* qualifies *reddendos*, (see III, 27, 2.) notwithstanding its position; as, when *negare* occurs in a sentence, the negative involved in it qualifies some other word. Comp. Z.

3. The passage enclosed in brackets is of doubtful authority, as it is wanting in very many MSS.

3. *In ærariis reliquerunt*] See *Ærarii*, Smith's Dict. Antiq.

Juris jurandi fraude] Compare the expressions *fraus legis, fraus legum, fraudem legi facere*, which occur.

Invenerat] *invenire* = to come upon, very similar to the word *incur*, which is its meaning here.

4. *Diceret*] Z. Gr. § 551.

7. *A Pyrrho*] See Hand's Tursellinus, I, 35.——*Et eum necaturum*] Z. Gr. § 333. *Et* does not occur naturally here.——*Dedidit*] This word has been substituted by many editors for *dedit*, which is found in all the MSS., and which, in the opinion of Bonnell, was used by Cicero for the sake of the play of words: The deserter promised to *give* Pyrrhus *poison;* the

senate *gave* him the *deserter.* Concerning the number of the verb, see Z. Gr. § 373, note.

9. See Conspectus.

10. *Cum autem .... videtur*] The force of *cum* extends only to *fiat injuria.* The apodosis is in the words *fraus—videtur*, the thought contained in which (viz., that the infliction of wrong belongs rather to a beast than a man) is more fully expressed in the words that follow.

11. *Capitalior*] *more deserving of a capital penalty.*——*Cum maxime*] Z. Gr. § 285. With this passage comp. Plato de Rep. II, ἐσχάτη γὰρ ἀδικία δοκεῖν δίκαιον εἶναι μὴ ὄντα.

Ch. XIV. See Conspectus. Cicero considers justice and benevolence as virtues very nearly akin to each other; and indeed perfect justice is benevolence itself.

1. *Deinceps*] *next in order.* His plan is announced in Cap. 7, 1.

De beneficentia .... dicatur] Notwithstanding the repetition of the preposition, no essential distinction is made between *beneficentia* and *benevolentia*, as appears from 7, 1, as well as from the singular relative *qua*, which follows. B. Z. Gr. § 745.

2. *Videbitur*] Comp. 11, 7.——*Id enim .... omnia*] *Id* refers to the last preceding clause: *ut pro dignitate cuique tribuatur; hæc*, to the three *cautiones.* Comp. 10, 2: *ut ne cui noceatur.*

3. *Quod obsit*] Compare 11, 6.——*Non benefici, neque liberales*] These adjectives are distinguished in their meaning in this sentence, while with them are severally contrasted the words *perniciosi* and *assentatores.*——*In eadem injustitia sunt*] Comp. 7, 8.

4. *Quacunque ratione*] Z. Gr. § 706.——*Abest officio*] Usage would require *abest ab officio.* But the reading of the MSS. is supported by Acad. 1, 1, *paulumque cum ejus villa abessemus.*

6. *Quare L. Sullæ .... translatio*] *Sullæ* and *Cæsaris* are subjective genitives, *pecuniarum*, objective. Cicero speaks more at length of this injustice of Sylla and Julius, II, 8, 5, sqq.

7. *Quod qui*] Zumpt proposes to unite these two words, *quodqui*, and refers to his Gram. § 807. Bonnell prefers to translate *quod*, *because*, as introducing the reason of what precedes.——*Res*] sc. *familiaris.*

8. *Inest autem*] As if having forgotten the *primum* of the preceding sentence, which would lead us to expect *deinde*, Cicero introduces the second fault of excessive benevolence, with the words: *Inest autem.*

9. *Plerosque*] sc. *eorum qui benigniores*, etc., see § 7. For the difference between *plerique* and *plurimi*, see Z. Gr. § 109, note.——*Quadam*] Z. Gr. § 707.

10. *Tertium est propositum*] *propositum est* is a verb. See 14, 2. For the future in this sentence comp. 11, 7.

11. *Si minus*] Z. Gr. § 343.

Ch. XV. 1. *Sed cum iis .... virtutis*] The construction is: in quibus si sunt simulacra, &c. Compare similar construction, 13, 9.——*Modestia, temperantia .... justitia*] Comp. 2, 9.

2. *Illæ virtutes .... attingere*] Comp. 6, 1.——*Atque hæc in moribus*] scil. *consideranda sunt.* It is to be observed, that in this chapter and the beginning of the next, Cicero lays down five rules which should govern us in the practice of beneficence: first, (§§ 1, 2,) that we should have regard to the character, and in that should prefer the mild to the heroic virtues; (2) (§ 3,) that we should have regard to the person's love toward us; (3) (§§ 4, 5, 6, 7, 8, 9,) to his favors to us; (4) (§§ 10, 11,) to his necessities; (5) (ch. XVI, § 1,) that regard must be had to the nearness of our connection with the person. This last rule he expands by setting forth the degree of our relationship, (1) to mankind in general, in remainder of this chapter; (2) to our countrymen, (ch. XVII, §§ 1, 2;) (3) to our relations, (§ 3—§ 6;) (4) to our friends, (§ 7—§ 10;) (5) to the state, (§ 11 to end of chap.) Of these three chapters, the *caption*, so to speak, is found in XIV, 10. See Conspectus and Garve's Anmerkungen.

3. *Diligamur*] Z. Gr. § 555.

5. *Útenda*] Z. Gr. § 657.——*Quodsi ea .... debemus*] The meaning of this sentence is as follows: If when you have borrowed you ought to return more than you have received, what should we do when we have received an unasked favor.——*An imitari*] This is really the second part of a double question. Compare the remarks of Zumpt in his Gr. § 353.

9. *Multa*] is the object of *faciunt.*——*Vel morbo in omnes*] These words are wanting in one of the best MSS. Heusinger, Beier, and Orelli read *modo* instead of *morbo*, connecting it with *judicio*, to which Zumpt objects on account of the word *vel*, referring for his reasons to his Grammar, § 336.

10. *Quod contra fit*] *contra, contrariwise.* Beier, however, considers *quod* the object of *contra*, a case of anastrophe. See Hand's Turs. s. v. III, 1.

Ch. XVI. 2. Compare 4, 4.—*Communitatis* is qualified by *humanæ.* Z. Gr. § 790.

4. *Ferarum, in quibus inesse fortitudinem dicimus*] Cicero has a higher regard for the milder virtues. Comp. 15, 2.

5. *Ac latissime quidem .... societas hæc est*] *Societas hæc*, sc. *universi generis humani*, as he has called it above, § 3.——*Hominibus* and *omnibus* are datives of the possessor after *est.*——*Ut .... teneantur*] *so that.*——*Ut constitutum sit*] *as.* Observe the difference between the effect of the subjunctive in *ut constitutum sit*, and of the indicative in *ut in proverbio est.*——*E quibus ipsis*] sc. *legibus*: *e* = *according to.*—*Cetera*, i. e. all things not included in the laws.

8. *Quare et his utendum est*] Zumpt would supply *præceptis*, referring

to the rules just laid down; Bonnell would interpret *his*, as referring to the preceding *quæ*, &c.

9. *Ad illum finem*] *to that limit.*

CH. XVII. 2. *Multisque cum multis .... contractæ*] *and many have with many, engagements of business and commerce.* Z.

5. *Fratrum*] Fratres in Latin, like ἀδελφοί in Greek, may include both sexes. See Freund, s. v.——*Post consobrinorum*, &c.] *consobrini* is not here confined in its signification to the children of sisters, but extends to those of brothers also, and means *cousins*, however descended. *Sobrini* are the children of *consobrini*. See Z.

7. *Illud enim honestum*] *that moral goodness.*

9. *Copulatius*] Zumpt is inclined to give this word an active signification. "Quod conjunctum est in eo sine dubio inest etiam aliquid quod conjungat."——*Ut æque quisque altero delectetur, ac se ipso*] *that each is as much delighted with the other as with himself.* Observe that these are ablatives of cause, not of the voluntary agent.

12. *Quis dubitet*] Z. Gr. § 527.——*Omnium*] Objective genitive.

14. *Convenientes*] *harmonious*, not at variance.

15. *Necessaria præsidia vitæ*] *life's necessary support.*——*Vita autem victusque communis*] A. W. Zumpt qualifies *vita* as well as *victus* by *communis*, which is supported by the principle stated in Z. Gr. § 790, *autem* being only a connective. For the difference between the kindred words *vita* and *victus*, compare the remarks of Habicht, quoted by Döderlein, (Synon. IV. p. 448:) "*Vita* and *victus*, if they stand together, are so distinguished from each other, that the former denotes the *public*, the latter the *private* life of the man."——*Vigent*] *Vigere* differs from *vivere*, in denoting not mere life as the opposite of death, but life in its activity. *Vigent*, *have an active* or *practical existence.*

CH. XVIII. 1–2, 3–5. See Conspectus.——*Quid cuique .... necesse sit*] Bonnell supplies *tribui* from the preceding clause, making *quid* its subject, and *cuique* its remote object. He maintains that *necesse* differs from *necessarius* in always belonging to a predicate, and in always having some verbal connection as above. Thus, in the following sentence from Seneca: *emas, non quod opus est, sed quod necesse est*, sc. *emi.*

2. *Necessitudinum gradus*] *the degrees of relationship*, as they are given 17, 14.——*ut*] *as, for example.*

4. *Illa quidem*] Z. Gr. § 744.

5. *Ex quo aptum est*] Comp. Cic. Parad. 2: *Nemo potest non beatissimus esse, qui est totus aptus ex sese.* Z. With this sentence ends the discussion of the second of the cardinal virtues, into which *honestum* is divided. *Fortitudo* is the next in order. See 5, 2.

§ 6—chap. 26. See Conspectus.

6. *Intelligendum est*] "Although *intelligendum est* often occurs in this work in the sense of *intelligitur* or *facile potest intelligi*, still it implies, at the same time, that it is proper or becoming to see or understand." Z. Gr. § 650.——*Honestas*] differs from *honestum* of the preceding sentence as the abstract differs from the concrete.——*Manaret*] Z. Gr. § 514.——*Animo*] is not the ablative of the voluntary agent.

7. *In promptu*] *at the tongue's end.*——*Si quid tale dici potest*] i. e. if the case allows the use of any such quotation.——*Illa virago viri*] sc. *animum gerit.* Supposed to be a quotation from Ennius respecting Clœlia.——*Et si quid ejusmodi*] sc. *dici potest.*——*Salmaci .... sanguine*] Observe the metaphorical use of the proper name.—*Da spolia*, &c., *surrender your armor without a struggle and without bloodshed.* Bonnell, adopting the explanation of Elvenich, (Progr. Breslau, 1834,) drops the comma after *spolia* and makes *sine sudore et sanguine* attributive of *spolia. Surrender your sweatless, bloodless arms*, i. e. the arms which you have refused to use in battle.

8. *Quæ ... fortiter gesta sunt, ea laudamus*] According to Madvig, (Latein. Sprachlehre f. Schulen, § 324,) the antecedent is often placed after the relative clause, when it is a demonstrative pronoun standing alone.

9. *Hinc rhetorum campus*] Comp. auct. dial. de Oratoribus: *est aliquis oratorum campus, per quem nisi liberi et soluti ferantur, debilitatur ac frangitur eloquentia. Hinc, hence*, i. e. because we love to praise such deeds. ——*Hinc noster Cocles, hinc Decii .... alii*] The elder Heusinger supplies *excellunt*, anticipating it from the next clause. To this construction the nephew objects. He prefers to supply only the substantive verb, as in the preceding sentence, *hinc rhetorum*, &c. With this construction, the connection of thought would be: hence, (that is, because we bestow such praises on brave exploits,) hence our Cocles, hence the Decii, &c., for without these praises there would be no Cocles, his name would long since have passed away. He might have been just as brave, to be sure, but without these praises we should now have no such character in our history, for his name would have been forgotten.

Such would be the connection of thought, unless Heusinger understood that the general disposition to praise such conduct was the cause of the bravery of Cocles and the rest. But this is improbable. Zumpt would supply *omnium commemoratione celebrantur*, which falls in with the spirit of the context.——*Declaratur autem .... quod statuas quoque*] *statues also*, not merely living men. Steurenburg.

Ch. XIX. See Conspectus.—1. *In vitio est*] Comp. 7, 8.

2. *Eam virtutem esse*] *eam* is the subject, *virtutem* the predicate.

4. *Audaciæ nomen habeat*] Cicero drops from the periphrastic form *appellandus est*, which exact correspondence with the preceding sentence would require, into the pres. subj. with the imperative signification.

5. *Eosdem*] Comp. 6, 4.——*Ex media laude justitiæ*] Comp. Epist. IX. 8: *ex media Academia excitatos misi.*

6. *Sed illud odiosum .... innascitur*] Comp. 8, 8.

7. *Omnem morem Lacedæmoniorum*] *every habit, the entire character* Compare Zumpt: *das ganze Wesen.*——*Inflammatum esse*] Z. Gr. 592.

10. *Sed quo difficilius*] See § 8. § 9 interrupts the course of thought for the sake of an allusion to Cæsar and Anthony. B.

11. *Quod maxime natura sequitur*] Bonnell considers *natura* an ablative of accordance. Beier supplies *invitante.* A. W. Zumpt makes it the subject of *sequitur.*

Ch. XX. 1. *Honestum decorumque*] The former of these words has reference to the interior—the moral character, the latter to that external propriety which grows out of the former. See 27, 3. Comp. B.——*Nullique neque .... neque*] Z. Gr. § 754.

2. *Altera res est, ut .... res geras magnas*] Respecting this use of a subjunctive clause with *ut*, to explain a preceding noun or pronoun with *sum*, see Madvig, p. 336.——*Quidem*] Comp. 18, 4.——*Sed ut vehementer arduos*] See a similar repetition of *ut* in de Orat. II, 16. *Salsum hunc possum dicere, atque ita, non ut ejusmodi oratorem esse velim, sed ut mimum.* Z.

4. *Id autem ipsum .... liber sis*] Beier says of this passage: *Hæc sententia arx est Stoicorum.*

6. *A labore .... a voluptate*] Z. Gr. § 451.

7. *Videnda*] *to be attended to.*

8. *Eripit enim libertatem*] Such ambition is inconsistent with independence. See 19, 12.

10. *Ægritudine et voluptate animi*] Bonnell suggests that *voluptate* is limited by *animi* here, in order to distinguish it from the same word in § 6, just as *ægritudo* is distinguished from *labor* in § 6, the words being used in the earlier paragraph in an objective, in the latter in a subjective sense. Orelli adopts *nimia*, on the authority of one MS., in preference to the common reading.

11. *Longe principes*] v. c. Plato, Aristoteles, Zeno, qui nullam reipublicæ partem attigerunt, ne tranquillitatem animi amitterent. Z.

12. *Ut ne*] Z. Gr. § 347. *Ut* alone qualifies *uterentur.*——*Cujus*] sc *libertatis.*

Ch. XXI. 1. *Hoc*] i. e. *vivere, ut velis.* B.——*Otiosis*] those engaged in no *public* business. Z.

3. *Iis concedendum sit*] = iis venia danda est. Z.

4. *Quibus autem*] Z. Gr. § 805. Comp. 18, 8.

5. *Quod gloriam contemnant et pro nihilo putent*] See Ramshorn's Latin Grammar, § 177, III.

Quasi quandam ignominiam timere et infamiam] *quasi*, because *hindrances* in the way of success and *repulses* are not properly called *ignominia* or *infamia*. B.

6. *Sunt enim, qui .... constent*] Observe the difference between the subjunctives in this sentence and the indicative in 14, 4.

7. *Adipiscendi magistratus*] Concisely expressed, instead of *danda opera, ut adipiscantur magistratus*. Beier.

8. *Nihil minus*] More commonly *nihilo minus*. See Z. Gr. § 488.——*Adhibenda sit*] The subjunctive would be retained here to soften the expression, even if the clause *haud scio an magis etiam* were omitted. Gernhard, however, maintains that by a kind of anacoluthon, the subjunctive is introduced only on account of the *haud scio an*. Gernh. de anac. in Cic. de Off.——*Magnificentia*] *greatness of soul*. Comp. *magnitudo animi*, § 10.——*Nec anxii .... et*] Z. Gr. § 338.

10. *Efficiendi cura*] anxiety about accomplishing, *anxiety to accomplish* (one's tasks.)——*Quietis*] = *otiosis*, see § 1.

11. *Ut habeat*] This clause is dependent on *consideret*, *ut* having the signification of *quo modo, qua ratione*. Z.

Ch. XXII. 2. *In magnis animis ingeniisque*] i. e. *in hominibus magnanimis et ingeniosis*. Z.——*Apti et cupidi*] Z. Gr. § 368.

4. *Consilio*] Observe the different senses in which this word is used in this and the two following §§. So *consilium* in Cato M. 6, 19. Compare also *ætas* in the following, (Cato M. 13, 45 :) *erat quidam fervor æ t a t i s, q u a progrediente omnia fiunt mitiora*. Neue Jahrb.

6. *Et Themistocles quidem nihil dixerit*] "*will not easily be able to cite any thing*." Respecting the use of the subjunctive potential in cases where any thing can and will easily take place if occasion is presented, see Madvig, lat. Sprachl. § 350, b.——*Conferendi sunt*] "Vere non ipsi quidem homines, sed eorum res bello gestæ." Z. Gr. § 767.

7. *At ille vere*] sc. *Solon*.——*Ab se adjutum Themistoclem*] The following passage from Plutarch, (Them. 10,) may shed light on this sentence. "As the treasury of Athens was then but low, Aristotle informs us that the court of *Areopagus* distributed to every man who took part in the expedition, eight *drachmas;* which was the principal means of manning the fleet." B.

8. *Versaremur*] Cicero speaks only of himself.——*Catulus*] was the friend, who, after the suppression of the conspiracy of Catiline, called Cicero *patriæ parens* in the senate.

9. *Privatus*] Because he that year, (B. C. 133,) was not a magistrate ——*Hæc res*] sc. *a Nasica gesta*.

10. *Autem*] Z. Gr. § 348, note.——*In quod invadi*] Z. Gr. § 387.——*Cedant .... laudi*] This verse, which is supposed to belong to a poem which Cicero wrote, *De Suis Temporibus*, (see Cic. Opp. ed. Orellius, Frag-

menta Poematum X.,) its author had repeated occasion to defend. (See Orat. in Pis. 29, 30; Philipp. secund. 8.)

11. *Cesserunt*] *cessere* is found in some MSS., but the other form has been substituted by Zumpt on good authority. See Z. Gr. § 163.

13. *Factorum imitatio*] not *rerum gestarum*, for *facta* are the individual acts, *res gestæ* the same in their connection. Only the individual acts could serve for imitation. The *res gestæ* of Cicero were not independent of a concatenation of causes and circumstances. B.

15. *Fortitudines*] Z. Gr. § 92.

Ch. XXIII. 3. *Catonis*] sc. *consilio.*——*Mortui*] Cato died in his eighty-fifth year, according to Cicero, B. C. 149. Carthage was taken and destroyed, B. C. 146.

4. *Decernendi ratio quam decertandi fortitudo*] Z. Gr. § 822.——*Nisi*] Z. Gr. § 735.——*Quæsita*] This word agrees in gender with *pax* instead of *nihil.* See Z. Gr. § 370.

5. *Tumultuantem*] *Tumultuari* eum dicimus, qui ob imminens periculum clamat, deorum hominumque auxilium implorat.——*De gradu dejici*] This phrase is borrowed from the gladiators, among whom a combatant was said *de gradu dejici*, who was thrust from his position by an adversary. Z.

6. *Quanquam hoc animi .... magni est*] *Hoc* refers to the preceding *non perturbari*; *illud* to the following *præcipere*, etc. This sentence illustrates the difference between *animus* and *ingenium.*

7. *Temere autem .... simile est*] Cicero has in mind such commanders as Terentius Varro, and Minucius, as well as those who expose themselves needlessly in battle. Comp. Beier.

Ch. XXIV. See Conspectus. 1. *Ne quid temere, ne quid crudeliter*] Comp. 11, 1. *Ne quid tale.*——*Rebus agitatis*] Heusinger, Degen, and Bonnell consider these words to mean: *after an investigation;* Facciolati, Beier, and Zumpt think that they refer to a sedition or revolt: *when a sedition or revolt has occurred.* Zumpt gives the following reasons for his interpretation. 1. That the words should contain some allusion to the cause of punishment. 2. That in case of foreign wars, there is no question concerning the *punishment* of enemies, unless a treaty has been violated, a rebellion excited, or the like.

2. *Supra dixi*] Cap. 22.——*Reperias*] Z. Gr. § 527, and comp. Madvig, Latein. Sprachl. § 370.——*Calida*] *rash, hasty.*

3. *Etiam*] Z. Gr. § 335.

5. *Tranquillo*] scil. *mari.*——*Subvenire autem tempestati*] *to withstand the storm.* *Subvenimus* enim Latine rebus aut bonis aut malis, bonis dum adjuvamus, malis dum levamus. Z.——*Eoque magis .... mali*] *Explicare* and *addubitare* have opposite meanings. The former means, to free

from folds, to unfold, to disentangle, to make plain and single, to free from difficulty. The latter means, to make a single thing double, to bring into doubt, and thus into danger and difficulty. (Comp. anceps.) *Re addubitata* corresponds, therefore, as Bonnell says, with *in discrimen vocantur* of the next paragraph. The passage is translated by Garve, as follows: Especially when the advantages which are to be expected in case of success, are much greater than the evils to which one is exposed during the conflict. Beier adopts the interpretation of Garve. "Si operæ pretium facturus sis, ita ut secundus rei eventus laborem ærumnamque compenset."

6. *Periculosæ . . , . rei publicæ*] Heusinger paraphrases thus. Res, inquit, aguntur vel cum periculo eorum, qui eas suscipiunt, vel ceterorum omnium, qui ejusdem civitatis sunt.

7. Cicero teaches that, while we should be more ready to expose ourselves than the state to danger, we should be very careful about making a sacrifice of our own honor.

8. *Profundere*] Z. Gr. § 598.——*Iidem*] This word supplies the place of *tamen*, the two predicates being of a different kind. Z. Gr. § 697.——*Ne re publica quidem*] Z. Gr. § 801.

11. *Unus homo*, etc.] This quotation respecting Fabius was taken from the twelfth book of the Annals of Ennius.——*Postque magisque*] Not only after death, but more then than during his life.——*Claret*] from *clarere.*

CH. XXV. See Conspectus. 3. *Studiosi optimi cujusque*] A circumlocution for *optimates*, (Z.) *the adherents of the aristocracy, the aristocratic party.* See Cicero's description of the *optimates*, Sest. 45, quoted in Freund's Lat. Lex. s. v.

4. *Opes aut potentiam*] Z. Gr. § 337. Observe that *potentiam* is preferred to *potestatem*, the latter word denoting such power as is lawfully and properly acquired and exercised—a limitation not in harmony with the context.——*Tradetque*] Comp. 7, 5.

5. *Ea*] Z. Gr. § 377.——*Quamvis*] qualifies *graviter*, giving it a superlative force.

6. *Ut si*] *Ut si*, instead of the more frequent *ac si*, may also be found in Tusc. Disp. IV, 18, *Similiter facit, ut si*, etc.; and de Fin. II, 7, *Similiter ut si dicat*, etc.

7. *Contra*] adv., *in opposition*,—that is, to us.——*Suo judicio*] *in accordance with their own judgment.*——*P. Africanum* [sc. *minorem*] *et Q. Metellum*] sc. *Macedonicum*. Their disagreement was not such as to produce hostility.

8. *Putabunt*] See 11, 7.

9. *In juris æquabilitate*] Where all are governed by equal laws.——*Altitudo animi, quæ dicitur*] The words *quæ dicitur* show that the signification of *altitudo animi* is here peculiar. It is rather depth, than loftiness

of mind, what Cicero calls Βαθύτης, (ad Att. IV, 6, and V, 10,) that which enables one to conceal his feelings at his pleasure.——*Intempestive accedentibus*] *those who make unseasonable calls on us.*

10. *Ita*] Z. Gr. § 281.

11. *Omnis autem .... castigat*] *Punitur* refers to *animadversio; verbis castigat*, to *castigatio*. B. *Castigare*, however, is not always limited in its signification to a *verbal* infliction. Comp. Tusc. Disp. III, 27. *Pueros vero matres et magistri castigare etiam solent, nec verbis solum, sed etiam verberibus.*——*Punitur*] See Z. Gr. § 206, end.

13. *Modo ne laudarent*] "By means of the particles *dum, dummodo*, or simply *modo, if only, provided only*, ([or negatively,] *dum ne, dummodo ne, modo ne*,) a wish or request is attached to a sentence as a condition or limitation." Madvig, lat. Sprachl. § 352, note 2.——*Quæ placet .... placet*] Z. Gr. § 717. Neue Jahrb.

Ch. XXVI. 2. *De Socrate .... Lælio*] See Tusc. Disp. III, 15. *Lælio* scil. *minore.*

4. *Alter sæpe turpissimus*] See what Livy says of the faults of Alexander, IX, 18.

5. *Contentiones præliorum*] =*prælia in quibus contenditur.*——*Soleant .... possint*] Comp. 9, 1.

7. *Neve*] Many editors have *nec*, but see Z. Gr. § 535.——*Adulari*] Z. Gr. § 389.

8. See Conspectus.——*Illud*] is placed in contrast with *hæc* of the preceding sentence. Cicero here returns to the proposition which he laid down in cap. 21, respecting men in public life, and then closes the discussion of the third of the cardinal virtues with a few words on the *magnitudo animi in vita otiosa.*——*Maximi animi*] Genitive of quality. It takes the place of an adjective agreeing with *res* as *maximas* does. So *magni animi* of the next sentence qualifies *multos.*

9. *Potiusque*] Comp. *que* in 25, 4, *totamque;* also, 7, 5.——*Usus esset*] occurs rarely in Cicero instead of *opus esset.* Z.

11. *Servantem licet*] Z. Gr. § 601.

Ch. XXVII. See Conspectus. 1. *De una reliqua parte honestatis*] By the *reliqua pars honestatis*, Cicero means the σωφροσύνη, of the Greeks, but finding no Latin word which expresses the full meaning of the Greek, he proceeds according to the rule laid down de Fin. III, 33, 4. *Equidem soleo etiam, quod uno Græci, si aliter non possum, idem pluribus verbis exponere.* Comp. III, 33, 1. B.——*Verecundia*] The office of this virtue is given below, 28, 8, *homines non offendere.* It is a shrinking (*vereri*) from giving offence to *others. Modestia* and *temperantia*, on the other hand, are virtues originating rather with *self*-respect. Compare remarks of Döderlein, Lat. Syn. These virtues will lead to the same results in the external life.

and are closely allied to each other.——*Et quasi quidam ornatus*] Z. Gr. § 707.

2. *Hujus vis .... decet*] For nothing is becoming, proper, which is at variance with virtue. So if we say that any thing is proper, we shall easily find, on reflection, that at the bottom of it is virtue, of which that "*decorum*" is, so to speak, only the exterior. Z.

3. *Quidquid .... deceat*] Z. Gr. § 561.

9. *Totum illud quidem*] Z. Gr. § 744. Comp. 18, 4.

10. *Descriptio*] Nearly the same as *divisio* in signification, although the physical meaning of the two words presents the thought differently in the two cases.—There is a general propriety which pertains to all the virtues, and will characterize the man who is possessed of all the virtues; and there is a propriety which is displayed in connection with the individual virtues.

12. *Moderatio et temperantia*] *moderation and self-control.* See Tusc. Disp. III, 5: σωφροσύνην *soleo quidem tum temperantiam, tum moderationem appellare.* Z.——*Specie quadam liberali*] *a genteel appearance.* For the *liberale* is that which becomes a free man, and one educated liberally. Z.

CH. XXVIII. 1. *De quo alio loco .... solent*] i. e. in rhetorical treatises. Cicero has something to say about it in his Orator, cap. 22.

2. *Persona*] *character.*——*Oderint, dum metuant*] Quoted from the part of Atreus in a tragedy written by Attius.——*Natis .... parens*] Also the language of Atreus in a tragedy. It evidently refers to the story of Atreus feasting his brother Thyestes with the flesh of his own sons.

3. *Nobis autem .... reliquarum*] The meaning of this sentence is plain, although it is not fully expressed: But nature herself has assigned us a character, a part to play, very eminent and surpassing that of all other living beings, and we must keep this in view, when we judge what propriety requires of us. Comp. 27, 11.——*Præstantia animantium rel.*] = præ animantibus reliquis. Z. Gr. § 78, end.

4. *Etiam vitiosis .... deceat*] There is, in a moral point of view, no *quod deceat* for the *vitiosi*, (27, 2, *quod decet, honestum est,*) but Cicero here speaks æsthetically. B.——*Videbunt*] Comp. *judicabunt*, § 3, in this chap. and 1, 3, *disces.*——*Adversus*] See. 11, 1., Z. Gr. § 299.——*Efficitur, ut .... appareat*] Equivalent to *apparet hinc.* This circumlocution is frequent with *facere.* Z. Gr. § 619.

6. *Adversus*] See above, § 4.——*Quid .... sentiat*] *what each person thinks of one.* See Madvig, § 481, note 5.——*Reverentia .... reliquorum*] Z. Gr. § 423.——*Optimi cujusque*] See 25, 3.——*Quisque*] each one of some class or body of persons whom circumstances would determine, not each one of all mankind. Z. Gr. § 710.

7. *Est autem quod differat*] *Differre, to carry* (things) *from each other*

to separate. Est quod differat, there is that which separates, or better, *there is a difference between*, etc. Z. Gr. § 561.

8. *Non offendere*] scil. *eos.* The object expressed with *violare* is understood in this clause. For *offendo aliquem* means, *I offend one, I provoke one's censure*, while *offendo* or *offendor in aliquo* is understood in a neuter or passive sense, *to be offended, to find cause of offence.* Z.

9. See Conspectus. *Hanc primum habet viam*] *Vim* is the reading in the larger and smaller editions of Zumpt, but Orelli. Beier, Gernhard, Degen, and Bonnell retain *viam*, which is found in most of the MSS.——*Viam, quæ .... naturæ*] *path which leads to harmony with, and preservation*, i. e. *faithful observance, of nature.*——*Sequemurque*] Comp. 25, 4.

10. *De qua disputamus*] scil. *temperantia.*

11. The author goes on to show what it is to adapt the mental activity to nature, to wit, that it is to render it subject to reason, since that is the nature of man as distinguished from the beasts. The words *vis* and *natura* frequently occur in connection in Cicero, and differ very little in meaning; *nature, being, constitution.* Bonnell suggests that they be considered as making a case of Hendyadis, and translates: die naturliche Beschaffenheit. *The natural constitution of the mind.* See Z.

CH. XXIX. 1. *Actio .... reddere*] Bonnell gives very forcible reasons for substituting *ratio* for *actio*, notwithstanding the authority of the MSS., which Zumpt and Orelli have followed. Zumpt, however, meets one objection by substituting *possis* for the usual reading, *possit*, and supplying *debes* with *agere. Debes* is, of course, suggested by the *debet* of the preceding clause.——*Hæc est .... officii*] Comp. 3, 5.

2. *Eamque .... præcurrant*] Z. Gr. § 386.——*Pigritiam aut ignaviam*] Döderlein, speaking of the difference between these two words, says that *pigritia*, which he connects with *pinguis*, springs from the physical *temperament, ignavia* from the *character.*

3. *Nam qui*, etc.] It is evident, from the expressions here used to describe uncurbed desires, that the author is, in thought, comparing them with untamed steeds. Comp. 26, 5.——*A quibus*] Comp. 4, 1, *a natura.*

4. *Gestiunt*] *conduct extravagantly, are beside themselves.* Comp. *exultantes*, above, § 3.

5. *Ad officii formam*] to a delineation, description of duty; that is, to the definite rules of duty, which are to be derived from this observation of nature. Z.——*Ut ne*] Comp. 20, 12.——*Temere ac fortuito*] In the former of these words, the idea of the thoughtless *person* is prominent, in the latter the idea of *chance*, as the director of his actions. Comp. Tac. Germ. 10. See Conspectus.

6. *Ad severitatem .... majora*] Observe that the more important particulars are connected by *et;* the subordinate by *atque.* Comp. 26. 6. B.

7. *Illo quidem*] Comp. 18, 4. 27, 9., and Madvig, § 480, b.——*Quietibus*] Comp. 22, 15. and Z. Gr. § 92. The plural of *quies* occurs also in Sallust, Catil. 15, 4.

8. *Profusum*] *excessive.*——*Ingenuum*] such as is found among free-born men. Comp. in 27, 12, *liberali*, which has a similar meaning.

9. *Honestatis actionibus*] *honestatis* is not a genitive of quality. See Z. Gr. § 426.

10. *Illiberale*] The opposite of *ingenuum*, § 8.——*Illib. . . . . flagitiosum*] *ungenteel, rude, base.*

Plautus . . . . comœdia] The old comedy brought out real actions and living personages for public ridicule, as Aristophanes, the only one belonging to this school whose writings survive, ridiculed Socrates and his philosophy in his "Clouds." Cicero's opinion of the elegance and refinement of the jests of Plautus and Aristophanes will hardly be agreed to by all their readers. See Horace, Ars. P. 270, seqq. B.

12. *Tempore*] i. e. *suo, justo tempore.* Z.——*Remisso*] = *otioso*, the opposite of *intento*. *Libero*, which is wanting in this clause in the editions of Heusinger, Beier, Degen, Bonnell, Gernhard, Orelli, and others, is inserted by Zumpt, after *homine*—*remisso homine libero*—on the authority of one MS., as he thinks it necessary, in order that there may be a transition from *remisso homine libero* to *libero* merely. The context, however, does not seem to require any other thought than that which is naturally expressed by the text as it stands, if we translate *libero*, (*alter ne libero quidem*,) *free-spoken*. Comp. Hor. Sat. 1, 3, 52. At est truculentior atque Plus æquo liber?

14. *Campus*] scil. *Martius*.

Ch. XXX. 1. *Pecudibus . . . . belluis*] Z. Gr. § 767.

3. *Sed si quis . . . . erectior*] Respecting *sed*, see Z. Gr. § 739. It has reference, however, to the clause *modo ne . . . . genere*. *Erectior*, a little more elevated, i. e. in character. Garve translates thus: if he but have a little elevation of soul.

4. *Quispiam*] Z. Gr. § 657.——*Ejus fruendæ*] Z. Gr. § 657.

6. *Et . . . . ac*] Comp. 29, 6.

7. See Conspectus.——*Ex eo*] = *ideo*. Z.——*Ex qua . . . . exquiritur*] *From which is derived the rational method of finding out what is our duty.* For we find out what duty is, by reflecting how much and in what respects human nature is superior to that of beasts. Z. With this paragraph comp. 28, 3.

8. *Ut enim*, etc.] Cicero, having asserted that we have a character as human beings, and a character as individuals, proceeds to illustrate by examples the diversity of *individual* character. His examples, as Heusinger says, are wont to be cited from among those whom he has seen, but who no longer survive.

9. *Magisque de industria*] In Crassus and Philippus it was more a natural endowment, in Cæsar the result of study. Concerning this Cæsar, whose cognomen was Strabo, see Cic. Brutus, cap. 48. Philippus is spoken of in the same work, cap. 47, and Scaurus, cap. 29.——*M. Druso adolescente*] Probably M. Livius Drusus, who was an opponent of C. Gracchus. In Cic. Brut. he is called *vir et oratione gravis et auctoritate.*——*In ejus .... tristior*] This clause Garve freely translates thus: his friend Scipio, on the other hand, was more occupied with the projects of his ambition, and less interested in the pleasures of society.

10. *Atque .... simulatorem*] He was accustomed to pretend ignorance, *agens imperitum et admiratorem aliorum tanquam sapientium.* Quintil. IX, 2, 46.

11. *Callidum Hannibalem .... accepimus facile celare*, etc.] *accepimus* is the perfect definite, and is nevertheless connected with the present infinitive in a narrative of what is past. Z. Gr. § 589. Bonnell suggests, although he does not prefer, another construction, which, after a Greek analogy, makes the infinitives depend on *callidum.*——*Præripere*] is a stronger expression than *præcipere*, which is the reading of some editions, but rests on inferior authority.

12. *In quo genere*] In which department, to wit, of arts or accomplishments.——*Vita ejus*] Usage would require *sua*, for which the writer, as if having forgotten for the moment, that the subordinate clause expressed the sentiment of the leading subject of the sentence, *qui .... simulavit*, substituted *ejus.* Madvig (§ 481, note 3.) attributes this deviation from regularity to a want of care. He asserts, however, that it never occurs in the case of a subj. acc. with an infinitive immediately connected with the leading verb. For instance, *eum* would never be found in the place of *se*, in such a sentence as *furere se simulavit.* Comp. Z. Gr. § 550, and Neue Jahrb.——*Aliquanto*] Comp. 1, 2. 23, 6.

13. *Multum dispares*] Comp. § 1 in this chap. and 21, 8. Z. Gr. § 488. Tischer asserts, (Neue Jahrb.,) that *par* and *dispar* are always connected with the dative, except in the two passages cited by Zumpt, in his Grammar, § 411.——*Sunt .... qui .... putant*] The use of the indicative in the relative clause shows that the subject of *sunt* is not indefinite in the mind of Cicero.——*De insidiis*] Heusinger says: *De* h. l. *locale* est. It does not, therefore, differ essentially from *ex*, on which *occulto* depends. Comp. *de transverso, de tergo.* Heusinger adds: solent optimi scriptores variare præpositiones. Thus Liv. 42, 24. *Ob* nullam aliam causam nisi *propter* constantem fidem.

14. *Callicratidam*] See 24, 9.

15. *Alium .... efficere*] scil. *accepimus.*——*Unus de multis*] one of the οἱ πολλοί.——*Q. Mucio Mancia*] It is not known who Mucius Mancia was.

16. *Ne Xenocratem .... fuisse*] Orelli considers this an interpolated passage Gernhard and Beier omit *ne*, giving the sentence this construc

tion: Xenocratem quidem *severissimum philosophum* fuisse, *ob eamque rem*, etc. Bonnell and Zumpt have retained the reading given in the text, which has more diplomatic authority than the other. Bonnell remarks, however, that the grammatical connection evinces negligence.

Ch. XXXI. Cicero returns here from the natural digression which commenced in § 8 of preceding chapter.

2. *Universam naturam*] contrasted with *propriam naturam*. Comp. 30, 7. Z. Gr. § 743.——*Nostræ*] wants the authority of MSS., but is adopted by Degen, Bonnell, and Zumpt, from the conjecture of Heusinger.

3. *Emergit*] i. e. *apparet*. Comp. *elucet*, 29, 2.——*Invita Minerva*] Comp. Hor. Ars. P. 385.

4. *Si quicquam*] Z. Gr. § 709, b.——*Possis*] Z. G. § 524. Comp. remarks of Madvig, § 370, on the subj. with the second person.

6. *Atque .... debeat*] Cicero has more to say of this doctrine of the Stoics, in his treatise de Fin. III, 18.

7. *Num*] Z. Gr. § 351, end.

8. *Appellandæ*] Z. Gr. § 650.——*Quo animo*] Z. Gr. § 705. Neue Jahrb.——*Millies*] Z. Gr. § 692.——*Quam illa*] scil. *quæ Ulixes*.

9. *Quid .... sui*] scil. *proprii*. B.——*Quod est cujusque maxime suum*] Concerning the unusual order of these words and those of the preceding note, see Z. Gr. § 800.

11. *Epigonos*] Zumpt calls this a *tragœdia clamosa* of Attius.——*Medum*] Medus, son of Medea, was the subject of a tragedy, by Pacuvius.——*Melanippam, Clytemnestram*] Tragedies of Attius. Z.——*Quem ego memini*] Z. Gr. § 440. Neue Jahrb.——*Antiopam*] also written by Pacuvius.——*Æsopus*] A tragedian, a friend of Cicero, and, according to Plutarch, (Cic. 5,) his teacher.

12. *Non videbit*] Z. Gr. § 781.——*Elaborabit*] Comp. 1, 3. Z. Gr. § 586, 1. Comp. also 1, 6.——*At*] *yet at least*. B.

Ch. XXXII. See Conspectus.

1. *Quas supra dixi*] scil. 30, 7.——*Aliqui*] Z. Gr. § 135 and § 708.

2. *Nobilitates*] Comp. 22, 15.

3. *Philosophiam .... jus civile ... eloquentiam*] The three professions to which men of superior education commonly devoted themselves in Rome. B.

5. *Ad eam laudem .... gloriam*] *to that renown added that of learning*, &c. *Gloriam* does not differ in signification from *laudem* in this passage, but is used to avoid repetition. Z. Gr. § 767. Compare de Orat. 3, 30, 119, *discrepuit ab Antonii divisione nostra partitio*; Liv. 23, 10, *amicitiam suam Romanæ societati præposuissent*; ib. 24, 13, *in potestate juniorum .... in manu plebis*. Neue Jahrb.

6. *Consequantur*] *Sequantur* is found in some MSS. If *consequantur*

be retained, it must have the signification of the simple verb. Comp. de Leg. 2, 7: *Eum morem igitur cum brevitate, si potuero, consequar.*

8. *Quos nos .... velimus*] Z. Gr. § 610.——*Est*] *is*, as a matter of fact.

9. *Ineunte enim adolescentia*] At the time of life when the *toga virilis* is assumed. Comp. § 10: *cum primum pubesceret.*

10. *Herculem Prodicium*] Comp. 9, 7: *Terentianus Chremes.*——*Xenophontem*] See Memor. Socr. Lib. II.

11. *Satu edito*] Poetical language, probably adopted from some ancient poet who gave a version of the story of Prodicus.

13. *Parentum disciplina*] The education and training of children in general, has a wider signification than *parentum præcepta*, § 11. B.

Ch. XXXIII. 1. *Illud*, etc.] *The following is the rarest class, namely, that of those*, &c. Z. Gr. § 700. B. Comp. 22, 10.——*Eruditione atque doctrina*] *literary cultivation.* Cicero evidently has in view the combination expressed by the two words taken together. They are referred to as one thing in the next clause, *aut utraque re.*

3. *Ex eo, quo modo quisque natus est*] i. e. *e propria natura.* Comp. 31, 2. Z.——*Ut supra dictum est*] Comp. 27, 12; 28, 10. B.

6. *Contulerit*] *has adapted.*

11. *Possit .... non poterit*] The plural third person of verbs is often found with an indefinite subject, the singular rarely. Comp. de Orat. 1, 8: *Neque mihi præstabilius quidquam videtur quam posse dicendo hominum voluntates impellere, quo velit; whither one will.* But Madvig (§ 388, b. 2) maintains that in such cases the verb is connected with an infinitive. Bonnell thinks, that in the sentence under consideration, the writer has still in mind the words, *Qui .... contulerit*, § 6.——*Superioris Africani filius*] Comp. Vell. Pat. 1, 10: *L. autem Paullo, magnæ victoriæ compoti, quatuor filii fuere: ex iis duos natu majores, unum P. Scipioni, P. Scipionis* [sc. majoris] *filio, nihil ex paterna majestate, præter speciem nominis vigoremque eloquentiæ, retinenti, in adoptionem dedit; alterum Fabio Maximo.* Z. ——*Hunc*] So called, either because he lived nearer the times of Cicero, or because he was mentioned just before, 32, 4. Comp. Z. and B.——*Quam ille .... sui*] than he, Scipio major, had been of his father, Publius Scipio. ——*Si igitur*] Z. Gr. § 739.

12. *Justitiam .... temperantiam*] The milder virtues, for Cicero's estimate of which, see 15, 1, and 16, 4. Comp. B.

13. *Impium*] sc. *erga patres.*

Ch. XXXIV See Conspectus.

2. *Exque his .... nitatur*] For illustrations of this custom of the Romans, see Orat. pro Cœl. 4; de Amic. 1; Epp. ad Fam. XIII, 10. See also Tac. Dial. de Oratt. 34. Comp. B.——*Ineuntis .... prudentia est*] *For the inexperience of youth must be moulded, &c.*

3. *Eorum*] The plural is used here because *ineuntis ætatis inscitia* is equivalent to *juvenum inscitia.* Comp. Corn. Nep. Timoth. 2, 1: *Laconicen populatus, classem eorum fugavit.* Z.——*Et in bellicis et .... officiis*] Z. Gr. § 745.

4. *Ejusmodi*] Z. Gr. § 426.

6. *Dedat*] A stronger expression than occurs above, § 4: *dare se jucunditati.*

7. *Cum .... tum*] Z. Gr. § 723.

8. See Conspectus.

9. *Se gerere personam civitatis*] *that he represents the state.* Neue Jahrb. ——*Jura describere*] To divide off to each one his rights; *to dispense justice.* Comp. II, 4, 7: *juris æqua descriptio.*

11. *Peregrini*] *a foreigner; incolæ, a denizen.*

Ch. XXXV. See Conspectus.

1. *Difficilibus ad eloquendum*] Z. Gr. § 671. Things *difficult to express in words.*——*Sed satis erit intelligi*] *but it will be enough that they be understood.*

2. *In his autem*, etc.] The protasis of the sentence still continues; the apodosis is found in the last clause, *his quoque .... dicantur.* Comp. Z. ——*Apud quosque*] Z. Gr. § 356.

3. *In promptu*] = *in aperto.* Z.——*Eam*] The object of *posuit* is repeated on account of the relative clause, *in qua*, etc., which separates *formam* from its verb. Comp. Z. Gr. § 744, and B.

5. *Nec orationis obscœnitas*] scil. *petul. vacat.* Z.

6. *Stoici pæne Cynici*] Nam et Stoicis placuit *suo quamque rem nomine appellare.* Cic. Ep. IX, 22. Z.

8. *Accubitio*] *reclining at the table.*

9. *Effeminatum .... rusticum*] *Rusticum* is contrasted with *effeminatum, durum* with *molle*, per chiasmum.

11. *Subligaculo*] See Dict. Greek and Rom. Antiq. s. v.

Ch. XXXVI. See Conspectus.

3. *Odiosiores*] Respecting the indefinite comparative, translated with the help of the English word "rather," see Z. Gr. § 104, 1, note.

7. *Tarditatibus*] Comp. 22, 15; also below, *festinationibus, celeritates, exanimationes.* Z. Gr. § 92.

Ch. XXXVII. See Conspectus.

1. *Altera contentionis, altera sermonis*] *Contentio* is continuous speaking, such as was wont to be heard in the forum and the senate-house, or on public occasions generally, and was so called because it required a greater effort on the part of the speaker. Compare a somewhat similar use of the English word *effort.* *Sermo, conversation.*

2. *Contentionis præcepta rhetorum*] Z. Gr. § 423. Comp. 14, 6.——*In circulis*] Heusinger defines *circuli* thus: *Circuli* dicuntur plurium in publico coëuntium, in orbem consistentium et confabulantium cœtus. Degen translates the word, *social circles.*

3. *Rhetorum turba*] This phrase corresponds with *huic qui studeant,* of the preceding clause, and means the company of scholars instructed by the rhetoricians. Comp. Hor. Sat. II, 3, 44: Chrysippi grex. B.——*Quamquam*] *And yet.* Z. Gr. § 341.

4. *Indicem vocem*] Z. Gr. § 394. *Index*, an informant, that which informs others. *Orationis index*, that which informs others of what we have to say = the expresser of our words. *Since we have the voice for the expression of our speech.*

5. *Nihil fuit .... litterarum*] *There was nothing in the Catuli to lead you to suppose that they were men of* (lit. *employed*) *exquisite taste in literature.* See what Cic. says of the Catuli in Brut. 35, 132 and 133.——*Sed et alii*] Concerning this use of *et*, see Z. Gr. § 335.

6. *Litteræ .... putidum*] The several letters were neither uttered with affected distinctness, nor were they mumbled, so as to be heard with difficulty. *Obscurum* explains *oppressæ; putidum, expressæ.*

8. *Ut in ipso .... vinceret*] *so that by informal remarks he frustrated the labored speeches of others in that forensic department of eloquence itself.*

10. *Sit ergo*, etc.] "The third person of the present subjunctive is used quite frequently to express a precept." Z. Gr. § 529, note.

11. *Excludat, putet, videat, loquatur*, etc.] Comp. 33, 11. For *sermo* can hardly be the personified subject of these verbs, as, in that case, we shall have in the second clause: *sermo in sermone communi putet;* and § 13: *sermo provideat, ne sermo.* Comp. B.——*Non iniquam*] κατὰ μείωσιν for *æquam.*

13. *Per ridiculum*] instead of *ridicule* which Cic. uses, de Or. I, 57, 243; II, 71, 289. Z. Gr. § 301. B.

15. *Oratio*] Cic. substitutes the more general term for *sermo*, without however introducing any change of meaning.——*Sed utcunque aderunt*] Comp. 9, 1: *nolunt.* Zumpt explains thus: Prout aderunt homines: refert enim quales homines sint. "According as the company is." Comp. 38, 7: *qui adsunt.* B.——*Iisdem de rebus*] Bonnell omits *de*, which is wanting in many MSS., construing the ablative *rebus* with *delectamur.* Heusinger supplies an ablative, *sermonibus.*

Ch. XXXVIII. 3. *Id agendum etiam ut*] Z. Gr. § 748, end.——*Ut ad urendum et secandum*] i. e. the painful operations in surgery.——*Veniemus*] Comp. 11, 7.

4. *Magnam .... partem*] Z. Gr. § 459.

5. *Quod acerbitatis*] *Quod* with genitive is comparatively rare. Comp 1, 5: *quod operæ curæque.*——*Ipsius id causa*] Comp. 35, 3. Z. Gr. § 744.

7. *Cum aliqua perturbatione*] Z. Gr. § 472.——*Quæ .... ea*] Z. Gr. § 744.

8. *De se ipsum prædicare*] Z. Gr. § 696.——*Deforme*] is in its signification, intermediate between *indecorum* and *turpe*. B.——*Militem gloriosum*] *Miles Gloriosus* is the title of one of the comedies of Plautus, and the same character is introduced by Terence in the second act of his Eunuchus.

Ch. XXXIX. See Conspectus.

1. *Volumus quidem certe*] By this parenthesis the author would avert the suspicion of arrogance. He explains the preceding clause, claiming only the *design* to be thorough in this discussion. Comp. Z.——*Honorati*] A man who has held the offices of honor in the state.——*Placeat*] So the opinions, the dogmas of philosophers are called *placita*. Comp. 2, 11.

3. *Hanc Scauri .... ædibus*] Scaurus used the material of the house of Octavius for enlarging his own. Cicero makes mention of this Æmilius Scaurus again, II, 16, 12. His father is spoken of above, 22, 8.——*Repulsam .... calamitatem*] Reference is here made to the unsuccessful endeavor of Scaurus to obtain the consulship, (B. C. 54,) to the charges of extortion and bribery brought against him, and his subsequent exile.

5. *Ratio .... sua*] The possessive pronoun takes the place here of the objective genitive. Z. Gr. § 424.

6. *Aliter*] *in other circumstances.*——*Alio domino*] Ablative absolute.

7. *O domus*, etc.] It is not known whence this quotation is taken.——*Dominare*] *Dominari* is rarely used passively.——*Quod quidem .... dicere*] Allusion is here made to Cæsar, who after his victory over Pompey and his party took possession of the elegant mansions of the vanquished, and sold or distributed them to his favorites. Pompey's palace became Antony's.——*In multis*] *in the case of many* houses. Z.

10. We have in this paragraph a summary of Cicero's rules of *decorum*. Comp. cap. 29.——*Caveamus ut*] Z. Gr. § 534.——*Liberalem speciem*] Comp. 27, 12.——*Moderata sint. Modus autem est optimus*, etc.] *be limited by proper rules. Now the best rule is, to observe, &c.* The perfect participle of *moderari* is frequently found in a passive sense. The active form is not used by Cicero. See Z. Gr. § 632.

Ch. XL. See Conspectus.

1. *Non hanc .... conservatio*] Observe the double irregularity of this sentence. First, we have *hanc* by a kind of attraction to the case of *quam nominant*, instead of the ablative, which *scientia ea* would have led us to expect. In the second place, we have *illa* in the nominative, instead of *illam*, to correspond with *hanc*, or the ablative *illâ*, to correspond with *scientia ea*. To understand this whole passage more easily, compare the following paraphrase of Garve: The next thing of which I have to speak, is the doctrine of order, or of the propriety of our actions, in regard to time and

place. This science, (this knowing how,) to do each thing at the right time and in the proper place, is what the Greeks call *εὐταξίαν*. This word has two meanings. The first, (in which I do not here use it,) can be expressed in Latin by the word *modestia*, and in German by the word *Bescheidenheit*, (*modesty*,) in its old signification, by which it denoted a certain control over our desires. The second corresponds with our word *order*, and this idea is also sometimes included in the word *modestia*. In this second meaning it is thus defined by the Stoics, etc. (Garve's Abhandl. p. 90.)

2. *Ut eandem . . . . appellemus*] Liceat igitur, ait, hanc quoque *εὐταξίας* speciem generali nomine *modestiam* appellare, quoniam proprium non habemus. Z.——*Agentur aut dicentur*] Comp. 11, 7. B.

5. *De qua principio diximus*] Cap. 5 and 6.

6. *In oratione constanti*] Quæ secum per omnia consentit; in qua rerum, verborum et vocis est æqualitas. Z.——*Apta inter se*] Comp. 35, 10. B.

7. *Dicta*] *Witticisms.*

8. *Prætura*] Observe that this word cannot here mean the *prætorship*.——*At enim*] *At* objects to the remark of Sophocles, *enim* introduces the reason for objecting. *But no! for.* Comp. Hand. Turs. I, 444, 445.

9. *Si qui*] Z. Gr. § 136.——*Meditetur, cogitet, reprehendatur,* &c.] Respecting these and the following subjunctives, see Z. Gr. § 524, note 1, and comp. 2, 6.

10. *Si qui in foro cantet*] Comp. III, 19, 2.

12. *Vel*] Z. Gr. § 734.

Ch. XLI. 2. *Ab officio*] Cicero uses the generic word, referring, however, in particular to that which is required by *decorum*.

8. *Ut enim*] *Enim* introduces the second reason for the advice contained in § 6. The first was, that nature was a proper guide; the second is, that it is the method of artists. B.——*Ii, qui signa fabricantur*] Cicero uses the noun *fictores* in the de Nat. Deor. I, 29, 81. See Z. Gr. § 714, 3. Neue Jahrb.

9. *Agentur*] Comp. 11, 7. B.

10. *Si quid . . . . fecerint*] Bonnell lays it down as a rule, that, in a negative sentence, *aut* loses its disjunctive force, and becomes a copulative conjunction. Comp. Z. Gr. § 374.

11. *Divinis bonis*] Heusinger explains thus: Ingenium, doctrinam, eloquentiam, animi magnitudinem hoc nomine appellat. Z. Comp. Tusc. Disp. V, 30, 85. *Tria genera bonorum; m a x i m a a n i m i, secunda corporis, externa tertia.*——*Cynicorum vero*, etc.] Comp. 35, 6.

12. *Eos autem*, etc.] Passing to another topic, the author in the remainder of this chapter gives us the rules of propriety of demeanor towards others.——*Habebunt*] Comp. 11, 7. B.

Ch. XLII. See Conspectus.

1. *Liberales, sordidi*] *Genteel, vulgar.*

2. *Portitorum*] Consult Smith's Dict. of Antiquities (Publicani) respecting the difference between the *portitores* and the *publicani.*——*Feneratorum*] Although it was not disreputable for a Roman to lend money for lawful interest, yet the name of usurer was odious in Rome as it is with us.

3. *Quorum operæ, non .... artes*] Comp. 7, 5, where *opera* occurs in the singular in connection with *artibus.* Neue Jahrb.

4. *Qui mercantur .... vendant*] They were called κάπηλοι by the Greeks and *propolæ* by the Romans.——*Vanitate*] Comp. Tusc. Disp. III, 1, 2. *Ita variis imbuimur erroribus ut v a n i t a t i v e r i t a s cedat.*

5. *Opificesque omnes*, etc.] The Romans thought agriculture and military service the only employments worthy of freeborn men.

6. *Cetarii .... piscatores*] *Cetarii*, dealers in salt fish ; *piscatores*, fishermen, dealers in fresh fish.——*Ut ait Terentius*] Eun. II, 2, 26.——*Saltatores*] See Smith's Dict. of Antiq., *Saltatio*, end.——*Ludum talarium*] The *tali* and *tesseræ* differed, as did also the games played with them. Cicero nevertheless undoubtedly intends in this phrase to include all kindred games of chance, practised for gain.

7. *Quorum ordini conveniunt*] That is, men of plebeian or equestrian rank, for the sons of senators pursued more important and public callings ; nor could they engage in any employments for the sake of gain without disrepute. As amateurs, they could and did study and practise useful or other arts. Comp. 6, 5. Z.

9. *Ut sæpe*, etc.] Compare similar omissions of *sic* after *ut* (before *ex ipso portu*) in chapter 1, 1. Z.

10. *Assumes*] Compare 1, 3. *disces.*

Ch. XLIII. See Conspectus, and chapter 3, 6.

2. *A Panætio prætermissus est*] Comp. 3, 9.

3. *Communitatis*] In philosophical terminology, Cicero, (de Off. I, 43,) as Beier correctly remarks, expresses by means of the word *communitas*, *subjectively* the *spirit* or *feeling* for that, which (7, 1) he had called *communitas vitæ*, (as Tacitus and other writers make *libertas* mean *spirit of freedom*, and *servitium* mean *servility*.) This *communitas*, in the sense of *public spirit*, the opposite of gross selfishness, (Egoismus,) which recognises neither justice nor equity, he ranks with *cognitio*, *magnanimitas* and *moderatio* as one of the cardinal virtues. Doed. lat. Syn. v. 12, 13.

4. *Aptiora .... ducantur*] Aptiora naturæ sunt officia, quæ a conservanda hominum societate ducuntur, quam quæ a vero investigando ; *cujus studio a rebus gerendis abduci contra officium est*, ut ait, 6, 6. Z.

5. *Si contigerit*, etc.] The regularity of this sentence is disturbed by *quamvis*, which by a kind of anacoluthon is introduced in anticipation of the

tamen in the apodosis. See Gernhard de Anacoluthis in Cic. Lib. de Off. ——*Excedat*] Subjunctive *in re ficta*, instead of the future. Z. Gr. § 524.

6, 7. *Princepsque .... esse maximum*] Garve remarks, not without reason, that Cicero's second metaphysical reason at the first glance seems to lead to the opposite of that which he wishes to prove. "It seems absurd, that, because a certain kind of wisdom is the first of all virtues, *therefore* the effort to obtain wisdom is *not* the first of all duties. The opposite conclusion appears the most natural. If the knowledge of the nature of God and man is the highest perfection, then, to be sure, the endeavor to secure this knowledge, and consequently the investigation of nature, must be the first duty. Cicero nevertheless hits upon a mean, by which he unites the two propositions apparently so contradictory. This wisdom, which is the highest virtue of man, is the knowledge of the *relations* in which he stands; and these relations, so far as he can survey them, are no other than those in which he stands to God and his fellow-men." Anmerkungen, 1, 212. See Bonnell. Zumpt agrees with Garve in referring *ea* to *sapientia*, thus differing from Heusinger, who refers it to *societas*. See Garve's Abhandl. etc. 98, 99.

8. *Inchoata sit .... consequatur*] Comp. 40, 9.

9. *Ergo hæc*] Zumpt refers *hæc* to *societatem;* Degen, to *actio*, activity for the good of society.

10. *Cupidus in perspicienda .... natura*] The more common construction would be *cupidus perspiciendæ naturæ*. But *cupidus* is here used absolutely.——*Idem* is in the nominative case. Z. Gr. § 127, and § 697. Respecting the future perfect *fecerit*, see Z. Gr. § 511. B.

CH. XLIV. 1. *Atque*] "In the beginning of a sentence introduced for the purpose of expanding a preceding statement, where mere connection is insufficient, *atque* and *ac* introduce a thing with great weight," etc. Z. Gr. § 333.

2. *Syracusium*] The Greek for the usual Roman form of the adjective, *Syracusanum*.——*Lyris*] See Corn. Nep. Epam. 2.——*Dionem*] See Corn. Nep. Dion 2.——*Nosque ipsi*] Comp. pro Arch. 6; Orator 3; Nat. Deor. I, 3.

4. *Ut otium*, etc.] Bonnell finds here a play on the words *otium* and *negotium* = *nec otium*.

6. *Cogitatio in se ipsa vertitur*] Bonnell is in doubt whether *se* is in the ablative, which case is often connected with *verti* when used in a middle sense, or in the accusative. He adds, that the sense will be the same with either construction. Heusinger considers *se* accusative.

8. *Attingat*] *Cum ea conjuncta sit, eam comitatur.* Z.——*Solivaga*] *solitary, isolated*, (literally, *wandering alone*.) This word is of very rare occurrence, and, with one exception, is found only in Cicero.

9. *Itemque magnitudo .... immanitas*] This proposition appears to be

introduced as an illustration of the other, being so evident as to need no proof itself; for the conclusion which follows (*ita fit*, etc.) mentions only *cognitio*. Zumpt gives the meaning of the whole passage as follows: Knowledge is not real knowledge, nor does fortitude deserve its name, unless they be made to have reference to the common weal, i. e. unless science shares its light with others, or fortitude employs itself in defending human society from dangers.——*Sit*] Observe the subjunctive in the apodosis in a case where the protasis is not expressed but only implied. See Madvig, § 347, c.

10. *Virgula divina*] *a magic wand.* According to some, this proverbial expression has its origin in the staff of Mercury; according to others, in that of Pallas. B. With this paragraph, compare de Amicit. 23, 88.

12. *Omne officium*] Heusinger says that this is a Grecism for the plural, *omnia officia.* Comp. 35, 8; and 5, 2; 37, 9. B.——*Cognitione et scientia*] *Cognitio* and *scientia* stand in the same relation to each other in which *conjunctio* and *societas* do: the former is the cause, and the latter the effect. B.

CH. XLV. 1. *Illud*] Bonnell holds that this pronoun is used in the sense of *the following*, more frequently than *hic.* Comp. Z. Gr. § 700. See 33, 1.

2. *Fœda .... flagitiosa*] *Fœdum* is that which is offensive to the feelings; *flagitiosum* violates morality. *Tœtra* and *obscœna* in the next sentence refer to these words in an inverse order, per chiasmum, (comp. 35, 9,) *obscœnus* enhancing the signification of *fœdus*, and *tœter* that of *flagitiosus.* B.——*Ea .... permulta*] Z. Gr. § 430.——*Posidonius*] See III, 2, 9.

3. *Ne res publica quidem*] Z. Gr. § 801. For the sentiment as well as the order of the words, comp. 24, 8.

5. *Effectum sit*] = *colligatur.* Comp. II, 3. 5.——*Quod .... societate*] *Which stands in intimate union with human society.* Comp. 44, 8: *virtus, quœ constat ex hominibus tuendis.* B.

7. *Locus ipse*] *Sedes rei, the essential point.* Omnia vertuntur in eo, quod communitatem deorum hominumque primum esse docuit. Z.

10. *Ut supra dixi*] Comp. 3, 9; 43, 2.

SECOND BOOK.

CH. I. See Conspectus.

1. *Ducerentur*] The English idiom would prefer the present tense. Comp. Madvig, § 383.

2. *Vitæ cultum*] The duties which have an influence to promote our welfare in respect to external things. B. Heusinger says of the phrase: this is a description of the utility which is the subject of the book.——*Facultatem*] Compare I, 3, 7. Zumpt, in a note on the passage under consideration, translates *facultatem, possession and use.* Cicero himself (de Invent. I, 27, end) defines this word thus: *Facultates sunt, aut quibus facilius fit, aut sine quibus aliquid confici non potest.* B. This would be a definition of the English word *means.*——*Opes*] *power, influence. Opes* has in view the facility of accomplishing what you wish through others. Z. ——*Copiæ*] *wealth.*——*In quo . . . . utile*] refers to *ut hæc . . . . persequar.* B.——*Tum quæri*, etc.] *Tum* properly belongs to the next clause, thus: *tum quid utile.*——*Dixi*] See I, 3, 7, and 9.——*De instituto*] i. e. *cur ad hoc nos studium potissimum contulerimus.* Beier.——*De judicio meo*] i. e. *de nostra sententia; de philosophia nobis potissimum probata.* Beier.

3. *Bonis viris*] Zumpt thinks that these words express a little irony, but Bonnell objects to that interpretation. It is well known that philosophy had to struggle for admission to Rome; that, so late as the middle of the second century before the Christian era, Carneades, Diogenes, and Critolaus were, by a decree of the senate, driven out of the city, because they taught the Greek philosophy there. See Aul. Gellius, Noct. Att. XV, 11 The prejudice against such studies gradually gave way, but had not entirely disappeared in the times of Cicero.

5. *Nec rursum*] *nor on the other hand.*

7. *Actiones*] *public speeches, pleadings*, in the next sentence called *litteræ forenses et senatoriæ.*

CH. II. 1. *Videmur*] scil. *nobis.* Z. Gr. § 380, end.——*Mandaremus*] The tense of the subjunctive is in this sentence affected by the preceding perfect infinitive, *assecuti.* Comp. B.

3. *Nec quicquam . . . . præter*, etc.] *Præter* is thus found in the place of *nisi* after a negative. Neue Jahr. Bd 55, S. 289.

5. *Sive ratio constantiæ virtutisque ducitur*] *Rationem alicujus ducere* nihil aliud est quam *rationem habere*, id non negligere, ei consulere. Heusinger. *Constantia* = moral consistency.——*Ars*] For this word Cicero substitutes *disciplina* and *discendi genus* in § 7.

7. *Si .... aliquis*] "We are sometimes obliged, in English, to express the emphasis of *aliquis* by the word *really*." Z. Gr. § 708.

8. *Cohortamur*] has a general signification; *fecimus* refers to Cicero only.——*Alio quodam libro*] Comp. de Divin. II: *cohortati sumus, ut maxime potuimus, ad philosophiæ studium eo libro, qui est inscriptus Hortensius.*

10. *Occurritur autem*, etc.] Having disposed of the objection urged by the *boni viri*, Cicero now presents that of the *docti et eruditi*. The latter involves a charge of inconsistency, because Cicero, while he held mainly to the New Academy, which denied the certainty of all knowledge, was nevertheless engaged in this discussion of the rules of duty and giving his opinions on philosophical subjects with an appearance of certainty. Zumpt distinguishes *docti* and *eruditi* thus: *Docti* sunt qui *aliquam* rem rite didicerunt, hoc quidem loco, qui philosophiæ operam dederunt, *eruditi* hoc amplius qui etiam *litteras* norunt; sunt igitur Kenner und Gelehrte.

11. *Vellem*] Z. Gr. § 528, 2.

14. *Impediat .... sequi*] See Z. Gr. §§ 543, 544.

15. *Nostris*] The disciples of the Academy.——*Causarum* depends on *contentio*.——*Esset* violates the rules for the connection of tenses, and must be accounted for by the supposition that the writer makes a transition to a historical account of the dogmas of the Academicians. Z.

17. *Iis simillimo*] Does Cicero here speak of external resemblance? See Z. Gr. § 411.

CH. III. See Conspectus.

1. *Quinque ... persequendis*] See I, 3, end. Observe the force of *igitur* and compare *ergo* in § 8. Z.

3. *In quo*] Orelli has restored *verbo* after *quo*. Zumpt however follows the Heusingers, Beier, and others in rejecting it.

4. *Summa quidem*, etc.] It is true that philosophers of the highest authority make a theoretical distinction between these three blended ideas of the *honestum*, the *justum*, and the *utile*, but in this they do nothing to violate a truly strict morality.

5. *Ex quo efficitur*] *it is made out, it follows.*

6. *Versutos et callidos*] Cicero gives the following explanation of these words in the de Nat. Deor. (III, 10): *versutos eos appello, quorum celeriter mens versatur; callidos autem, quorum tanquam manus opere, sic animus usu concalluit.* B.

11. *Pietas et sanctitas*] The former refers to the heart, the latter to the life. Z.——*Proxime et secundum*] The difference between *proximum* and *secundum*, is illustrated in Horat. Carm. I, 12, 17–20.

13. *Nec his*, etc.] "In double relative sentences, Cicero not unfrequently abandons the relative construction in the second member and makes use of the demonstrative." Z. Gr. § 806.

14. *Frugum fructuumque*] Usually when *fruges* and *fructus* are distinguished, the former means the fruits of the field, the latter the fruits of trees; but in this passage the one seems to be subordinate to the other, as species to genus. See Doed. IV, 334.

16. The words in italics form an iambic trimeter, but the verse is broken by the introduction of a word foreign to it. *Abdere* = to conceal from the sight; *condere*, to put away for safety. Neue Jahrb.

Ch. IV. 1. *Aut postea subveniri*] scil. *iis potuisset.*

2. *Opere*] Gernhard substitutes *opera* for *opere*. Doederlein (I, 113) holds that *opera* implies *moral* activity, a free will and purpose; *opus*, on the other hand, the mechanical activity of a beast, a slave, or a soldier.

5. *Et qui principes*, etc.] *Those who were the beginners in finding out. Qui principes fuerunt* is contrasted with *hoc tempore.*——*Tempestivos fructus*] e. g. *lanam, quo tempore oves tondendæ essent.* Z.

6. *Quid enumerem*] Z. Gr. § 530.

7. *Juris æqua descriptio*] *Jus, suum cuique tribuens.* Z.

Ch. V. 1. *Belli*] Z. Gr. § 400.

2. *Commemoratur*] Z. Gr. § 373.

4. *Eluvionis, pestilentiæ*, etc.] Instances of the epexigetical genitive Z. Gr. § 425.

5. Having shown that man is the chief source of good and ill to man, Cicero proceeds now to the connection of this fact with ethics. The obscurity of the passage is somewhat removed by the following paraphrase of it by Garve: If therefore this proposition is beyond a doubt—that nothing is so useful and so harmful to men as man—it also seems to me to be established, that it is *virtue* which makes the hearts of men our own, and inspires them with the dispositions which our interests require. That utility then which accrues to human life from inanimate objects and from the use and management of animals, although *it also* comes to us *through men*, is yet the work of only a class of them, to wit, common laborers and those engaged in the mechanic arts. But the advantages which we can derive from the good-will and attachment of men in general for the promotion of our happiness or our advancement, these the great and wise man must secure for himself by his virtues.

It will be perceived that the force of *itaque* (§ 6) falls on the second part of the sentence, *hominum autem studia .... virtute excitantur*, the things spoken of in the former part, being proper objects of purchase, or such as can be secured otherwise than by means of virtue. Zumpt gives the sense of § 6 thus: Ædium constructio, lanificium, belluarum captura, usus, cura, cetera, suæ quidque arti tribuitur, hominum gratiæ comparandæ ars non est propria quædam præter ipsam virtutem.

8. *Quos .... nominant*] Notwithstanding its connection with *nominare*,

the relative is here made to agree in gender with the antecedent substantive. For the reason, see Z. Gr. § 372.——*Per eosdemque*] Comp. 3, 13 Z. Gr. § 806.

CH. VI. See Conspectus.

2. *In fortuna*] See similar use of ablative with *in*, instead of the genitive, in cap. 13, 1; and *pro domo*, cap. 55: *Magna vis est in deorum numine.*

4. *Igitur*] resumes the thought of § 2, interrupted by § 3. Z. Gr. § 739.

5. *Interitus .... clades ... invidiæ .... fugæ*, etc.] Z. Gr. § 92.——*Ut proxime trium*] The defeat of Pompey in Pharsalia, of the sons of Pompey in Spain, and of Scipio in Africa.——*Summi .... viri*] Pompey the Great.——*Fugæ*] differs from *expulsiones* and denotes *voluntary banishment.*

6. See Conspectus.

7. *Brevior*] *too short.*

8. *Quæcunque igitur*, etc.] He enumerates six reasons why men render themselves useful to men. The first and fourth, to wit, *benevolentia* and *metus*, he makes the subject of the seventh and eighth chapters; the second and third, *honos* and *fides*, the subject of chapters 9–14; the fifth and sixth, *liberalitas* and *corruptela*, of chapters 15–24. Heusinger.——*Quemque*] instead of *et si quem.* See Gernhard de Anac. in Cic. de Off. Comp. I, 5, 4. The relative construction is continued to *ducuntur.*

9. *Illa quidem*] Comp. I, 18, 4. B.

10. *Quod .... id*] When the antecedent is a demonstrative pronoun standing *alone* it is often placed *after* the relative clause. Madvig, § 324.

12. *Ut sæpe .... videmus*] Cicero here aims at Antony, who was by such means gaining over the veterans to the cause of his despotism. B.

CH. VII. See note 8 of the preceding chapter.

3. *Si antea fuit ignotum*] The indicative is used here because of the irony which is expressed by the conditional clause, as is usual in such cases with *nisi vero, nisi forte.* Z. Gr. § 526. B.——*Nuper est cognitum*] By the assassination of Cæsar.

4. *Quem armis .... mortuo*] *whom the state endured because she was crushed by military force, and whom though dead she at this very time obeys.* After Cæsar's assassination, his policy was continued by Antony.

7. *Qui vero*] Z. Gr. § 805.——*Se instruunt*] scil. *opibus, armis, singularis potentiæ præsidiis.* Z.——*His nihil .... dementius*] Observe the substitution of the neuter for the masculine, and compare Lælius, 15: *Neque quicquam insipiente fortunato intolerabilius fieri potest;* and Epist. IV, 4, 6: *Victoris, quo nihil moderatius*, etc.

8. *Quamvis*, etc.] Z. Gr. § 574.——*Judiciis tacitis*] unspoken, yet declared by actions.——*Occultis .... suffragiis*] A secret ballot at an election could confer honor on a man towards whom a tyrant had manifested

ill-will. An example is found in Suetonius, (Vit. Cæs. 80.) Cæsar removed Cæsetius and Marullus from the tribuneship: at the election many votes were cast for them as consuls.

12. *Quid enim censemus*] In the phrase *quid censes* (*censemus, censetis*) when another clause depends on it, *quid* often serves merely to introduce the interrogative. Z. Gr. § 769.——*Superiorem Dionysium*] *the elder.*

13. *Barbarum .... Thraciis*] *a foreign slave, and he too tattooed like a Thracian.* B.

16. *Ut hic noster*] Cæsar.

Ch. VIII. 2. *Populorum, nationum*] Respecting the difference of signification of these two words, Heusinger says: est *natio* quæ communi lingua utitur; *populus*, qui iisdem institutis et legibus continetur.

3. *Defendissent*] Bonnell refers to Z. Gr. § 569; Tischer to § 549, for explanation of this subjunctive.

7. *Honestam causam*] Cicero thus designates the cause of the nobility which Sylla at first defended against Marius.

8. *Secutus est*] Julius Cæsar.

9. *Portari .... vidimus*] Models in ivory, wood, etc., of the cities and forts captured, were exhibited in the triumphal processions at Rome. See Smith's Dict. Antiq. From a passage in Velleius, (II, 56,) Heusinger infers that the image in this case was made of glass.

12. *Hastam illam cruentam*] See § 7.——*Sexto tricesimo*] When the smaller numeral precedes, it is *usually* followed by *et*. But see Z. Gr. § 118.——*P. Sulla*] nephew of the dictator.——*Alter autem*] Another Cornelius, a client of L. Sylla, who is mentioned in the Fragments of Sallust, Lib. I, orat. Lepidi Consulis. Z.

16. *Putare singuli*] *Nimirum sibi accidere posse.* Z.

20. *Hæc enim .... differat*] Z. Gr. § 752.

Ch. IX. See Conspectus.

1. *Duo sunt nostri*] These books are lost.

3. *Pariuntur a singulis*] i. e. *parantur de singulis sive ex singulis.* Z.

4. *Benevolentiæ præcepta*] i. e. rules by which good-will is acquired.——*Res*] *means, ability.*

8. *Duabus rebus*] Nimirum justitia et prudentia inter se conjunctis. Z

9. *Ex tempore*] *according to the circumstances of the occasion.*——*Nam et*] A second clause introduced by *et* would naturally follow, but we have, § 10, *justis autem* instead. Comp. B.

13. *Quantum .... virium*] *Virium* depends on *quantum.*

Ch. X. 1. *Sit admiratus*] See Z. Gr. § 528. The signification, however cannot be said to be precisely the same as that of the present tense.——*A meque ipso disputatum sit*] See Tusc. III; and Finibus, V.

5. *Pertinerent*] i. e. *pertinere discebamus.* Comp. I, 9, 6; 44, 10. *Pertinent*, however, is found in many MSS., and is adopted by Orelli and Bonnell.

10. *Qui nec sibi, nec alteri*] The proverb is quoted by a part of its words only. See Z. Gr. § 759.——*Admiratione autem afficiuntur*] Z. Gr. § 461.

11. *Majoris partis*] This expression corresponds with *plerique* of the next clause, which has no genitive plural. B.

13. *In utramque partem*] *Et cum adsunt, et cum absunt, ita ut neque cupiant vitam et divitias, neque metuant mortem et paupertatem.* Heusinger.——*Cum aliqua his*] This sentence ends irregularly, and approaches a case of anacoluthon. We should rather have expected something like the following: *totique ad amplam quandam honestamque rem perficiendam incumbunt; ii ab omnibus admiratione afficiuntur.* Z.

Ch. XI. 1. *Quædam*] Used to soften the word which it qualifies. Z. Gr. § 707.

3. *Igni spectatum*] Comp. Ovid, Fast. I, 5, 25: *Scilicet ut fulvum spectatur in ignibus aurum.*

4. *Proposita sunt ad gloriam*] i. e. *posita sunt a me tamquam efficientia gloriam, pertinentia sive necessaria ad gloriam.* Z.——*Inflammati aviditate*] Z. Gr. § 454.

5. *Nisi speciem . . . . feras*] Cicero does not recommend hypocrisy, but requires that virtue show itself.

6. *Solitario homini atque in agro vitam agenti*] Cicero does not speak of one person only in these words, as it appears from the plurals *habebunt, habebuntur.*——*Injusti*, etc.] Observe the asyndeton. Bonnell however adopts from the Cod. Bern. c. the reading *injustique.*

8. *Sine ulla*] *Sine* has the force of a negative, and therefore in connection with *ne quidem*, gives the sentence an affirmative force, requiring *aliqua* rather than *ulla*. *Debent cum aliqua justitia vivere.* Z. and Z. Gr. § 709.

9. *Interficiatur . . . . relinquatur*] Z. Gr. § 524, note.

11. *C. Lælius*] was prætor, B. C. 145.

Ch. XII. 1. *Apud Medos . . . . Herodotus*] Herodotus (Lib. I, cap. 91) informs us how Deioces succeeded in securing for himself regal power over the Medes.——*Fruendæ*] Z. Gr. § 657.

2. *Initio*] Beier reads *inops;* Bonnell, *in otio.* Zumpt agrees with Orelli in the reading given in the text of this edition.——*Prohiberet*] Z. Gr. § 469.

5. *Adjuncto vero, ut*, etc.] The clause introduced by *ut* takes the place of the noun in the ablative absolute with *adjuncto.* Z. Gr. § 647. For the dependence of the subjunctive clause, see Z. Gr. § 622.

7. *Sumptus liberales*] i. e. *eos, qui pertinent ad vitam liberaliter degendam.* Z.——*Ratione*] *rationally.* Z. Gr. § 472.

8. *Quamquam*] This particle finds its correlatives in the next chapter § 2: *Sed .... tamen.*——*Socrates .... esset*] Comp. Xen. Mem. I, 7, 1.

11. *Una*] Z. Gr. § 789.

12. *Numerum obtinent*] Comp. de Nat. Deor. III, 20: *Errantes* [*stellæ*] *numerum deorum obtinebunt.* Brut. c. 47: *Gnæusque Pompeius, Sex. filius, aliquem numerum obtinebat. Numerus* nihil aliud est quam *locus.* Z.

Ch. XIII. See Conspectus.

1. *In libro superiore*] In the seventh and following chapters. Comp. 9, 1, where the preposition is omitted; and Z. Gr. § 481.

2. *Quales simus*] Bonnell prefers *sumus*, for which there is manuscript authority. But the subjunctive is justified by the uncertainty respecting the particular character which each may wish to bear.

3. *Celebritatis et nominis*] A case of hendyadis. The opposite in signification is the phrase (§ 4) *hominum ignoratio.* B.——*Nec dictum, nec factum*] Z. Gr. § 754, note.

4. *Rectis studiis*] This phrase is used instead of the more usual *recto cursu.* B.——*Eo firmiore animo*] *with the greater confidence.* Z.

5. *In qua multi .... extiterunt*] *In which kind of glory many became eminent.* Z.

6. *Cujus altera pars*] *Cæsariana, cujus causam impiam dixit,* 8, 8. ——*Altera*] *Pompeiana.* Z. The young Cicero was 16 years old at the time of the battle of Pharsalia. B.

7. *Alæ .... præfecisset*] *Alteri* refers to the mode, customary at that time, of dividing the auxiliary forces, which were chiefly cavalry, into two *alæ*, called *dextra* and *sinistra.* They were called *alæ* undoubtedly from the positions they held in the line of battle. See Smith's Dict. of Antiq., under the word *Alarii.*——*Pariter .... cecidit*] When Pompey was vanquished.

8. *De genere toto*] *De commendatione ad gloriam, quæ ex bellicis rebus ducitur.* Z.——*Mihi*] Tischer holds that the dative of the agent is substituted for the ablative with *a* or *ab* out of modesty, and that *mihi* and *nobis* are the words chiefly found in this construction. Neue Jahrb.

9. *Graviores*] Zumpt follows Heusinger in substituting *graviores* for *gratiores.* The latter is the reading of most of the MSS., and is preferred by Orelli, Bonnell, and others. Bonnell says that there is a correspondence between it and *commendatio.*

12. *P. Rutilii*] He was also a disciple of Panætius. See III, 2, 14.

13. *Nam L. quidem*, etc.] Cicero introduces an exception to the preceding remarks by means of the particle *nam.* See Hand's Turs. s. v. III, 1. ——*Admodum adolescens*] Crassus was 21 years old when he brought the accusation against Papirius Carbo, which is alluded to in this passage.

——*Etiamtum*] Z. Gr. § 285.——*Meditari*] *Meditamur aliquid, si, quam rem publice acturi sumus, domi antea exercendi causa facimus.* Vide ad I, 40, 9. *In oratore hoc est declamare.* Z.

CH. XIV. 1. *Cum duplex ratio sit orationis*] Comp. I, 37, 1.——*Difficile dictu est*] Heusinger gives *incredibile est* as the equivalent of this expression, and adds: Nam et id *difficile dictu* dicitur, quod *eloqui* facile quidem est, difficulter vero *credi* potest. Comp. Læl. 7, 2: *Imbecilles valent, et quod difficilius dictu est, mortui vivunt.*

2. *Antigoni*] A general of Alexander, who fell at Ipsus, B. C. 301. He had two sons, Demetrius Poliorcetes and Philip, of whom the latter died before his father.

7. *Constat*] scil. *ratio judiciorum.* Z. —— *Accusatio probata persæpe*] It was creditable to young men to bring accusations against distinguished citizens who had been guilty of maladministration of public affairs. Z.

8. *Adolescens*] Antony was 32 years old. Crassus (13, 13) was called *admodum adolescens* at 21. This Antonius was grandfather of the triumvir. He brought an accusation against Carbo. B.——*P. Sulpicii*] Norbanus was accused by Sulpicius and defended by Antony.——*Inutilem*] Comp. III, 21, 2.

9. *Aut ulciscendi, ut duo Luculli*] Who charged Servilius with embezzling public property, in return for the charge of extortion which Servilius had brought against their father.——*Ut nos pro Siculis*] By the celebrated arguments against Verres.——*In Albucio*] *In the case of Albucius.*——*Julius*] Caius Julius Cæsar Strabo. Comp. I, 30. He accused Albucius of extortion in Sardinia.

10. *Inimicos*] Observe the difference between *inimicos* and *hostes.*

11. *Vel potius*] Z. Gr. § 336.

12. *Cum .... tum*] Comp. I, 5, 5; Z. Gr. § 723.——*Contigit*] *Contingere* is here used instead of *accidere* in speaking of a thing undesirable. Comp. 19, 5; Cat. maj. 19, 18.

14. *Bonorum*] *Upright men.*

19. *Adolescentes*] Cicero was at that time 26 years old.

CH. XV. See Conspectus.

1. *De beneficentia*] Comp. 6, 8.

3. *In utroque*] Z. Gr. § 377.

6. *An tu id agis*] Z. Gr. § 353.

9. *Et*] Compare I, 7, 5, where *que* occurs after a negative.

10. *Patrimonia effuderunt*] *Ut Milo, qui tria patrimonia effudit, ut Curio, ut Cæsar, horumque plures simillimi.* Z.

15. *Cum et idem .... desiderent*] Those who have been accustomed to receive gratuities, and others who as yet have received none.

CH. XVI. See Conspectus.

2. *Epulis, et visccrationibus*] In addition to the feasts which individuals used to give their friends on great occasions, such as a triumph, an election to an important office, or the burial of a distinguished citizen, there was a distribution of cooked or raw meat to the people called *visceratio*, and sometimes a public banquet. Such public banquets are alluded to in the word *epulis*, as we may infer from the context. See Smith's Dict. Antiq., *Funus*.

4. *Theophrasto*] See I, 1, 6. His treatise on Riches is lost.——*Talumque .... putat*] *and he thinks the ability to meet such expenses the enjoyment of riches.* Comp. Z.

6. *Aristo Ceus*] The reading of all the MSS. is *Aristoteles*, but the sentiment quoted is not found in his writings, and it is thought to be inconsistent with the opinions found in his works. (See Ethic. Nicomach. 4, 1, 2.) Orelli however retains the manuscript reading, and refers to Cic. de Nat. Deor. II, 37, 95, for evidence that Aristotle may have held what is here ascribed to him. See B. and Z.

7. *Qui .... obsidentur*] Z. Gr. § 546.——*Videri*] scil. *ait Aristo.*——*Sextarium mina*] See Appendix to Anthon's Class. Dict.; or Z. Gr. §§ 874, 876.——*Attenderint*] Observe the transition to the third person, and the return to the first in the next clause.

8. *Cum præsertim*] Heusinger makes these words refer to *reprehendit*. "His ratio continetur, cur *vere reprehendat*, non cur *nihil magnopere miremur*."——*In quo .... ipso*] = *in qua re ipsa.* See Z.

9. *Quæ fiunt*] Compare § 7: *obsidentur.*

10. *Splendor ædilitatum*] See Smith's Dict. Antiq., respecting the great expenditure of the ædiles.——*Postuletur*] Pres. subjunctive after *inveterasse.* Comp. Z. Gr. § 515.

11. *Cum .... tum*] Z. Gr. § 723. *Dives* was an inherited family name. Heusinger considers this Crassus the father of the triumvir.——*Functus est .... munere*] Festus (p. 140, ed. Müll.) says: *Munus significat officium, quum dicitur quis munere fungi. Item donum, quod officii causa datur.* This explains the twofold, varying signification of this word in the passage under consideration, and in § 12; 17, 6; 18, 9; 20, 7, its meaning being at one time, *office, service;* at another, the *plays* which the ædiles are accustomed to furnish to the people. Comp. 21, 11. B.——*C. Claudius*] He is said to have been the first who exhibited a fight between elephants in the circus, B. C. 99. See Plin. H. N. VIII, 7. Pliny states in the same chapter that *Lucullus*, 20 years later, gave an exhibition of elephants fighting with bulls.

12. *Nostri Pompeii*] Pompey the Great, who in his second consulship (B. C. 55) gave the most magnificent exhibitions that had ever been seen in Rome. Five hundred lions, four hundred and ten panthers, and twenty elephants were collected for the combat of beasts. By the use of *nostri*, Cicero indicates his attachment to Pompey. Comp. 17, 10. B.

Ch. XVII. 1. *Mamerco*] *Mamercus* was a prænomen of the *gens Æmilia.* It is not known who the individual here spoken of was.——*Prætermissio .... attulit*] Because he was suspected of having declined the ædileship, in order to avoid the expense of exhibiting games.

2. *Nos ipsi*] See in Verr. V, 19; pro Murena, 19.

3. *Decumæ nomine*] *Decumæ*, scil. *partis.* The ancient Romans were accustomed to offer tithes to the gods, and especially to Hercules. (See the citations in Freund, s. v.) Orestes combined the religious ceremony with public generosity.

4. *Nec turpi .... ædilis*] Such liberality in an ædile was not disgraceful nor even unexpected. Bonnell suggests the substitution of *quoniam* for *quando*, both in this passage and de Fin. V, 23, 67, maintaining that the latter particle did not have a causal signification till a later age.——*Quæ salute nostra continebatur. Noli putare gloriari auctorem, quod sua salute* (i. e. *restitutione in pristinum statum*) *rei publicæ salutem stare dicit. Ita enim re vera erat, quoniam vi et concitatæ multitudinis impetu Roma cedere coactus erat.* Z.——*Conatus furoresque*] Hendyadis for *conatus furentis.* Beier.

5. *Si .... utile*] scil. *largiri.* B.

6. *Cotta, Curio*] Z. Gr. § 783.

7. *Nostro quidem anno*] In that year of my life in which I reached the age required by law for the several offices. Cicero was made quæstor in his 31st year, ædile in his 38th, prætor in his 41st, and consul in his 44th.

10. *Propter Pompeium*] Who expended so much on such things.——*Non interpretatus*] Comp. I, 2, 10.

11. *Quod tantam .... contulerit*] Pericles is said to have expended 2,012 talents on the entrance to the Acropolis, the fore-portal of the Parthenon.

12. *Tota ratio talium largitionum*] = tales largitiones omnes. See Z. Gr. § 678. Comp. I, 3, 7.——*Tum ipsum*] *Even then.* Zumpt has adopted this reading, which is found in two MSS., instead of the common *tum ipsa.* Comp. the expression, *nunc ipsum*, in Epp. ad Att. XII, 40.

Ch. XVIII. See Conspectus.

2. *Alia causa est ejus .... et ejus*] Observe that instead of *alia* or *atque*, we have *et* to introduce the second *ejus.* Neue Jahrb.; and Z. Gr. § 340.——*Nullis .... adversis*] Z. Gr. § 638.

4. *In eo .... ceteris*] Not only the recipient will make a return, but all others will be grateful, for the reason given below.

8. *Ab ordine nostro*] scil. *senatorio.*

10. *Vicinitatibus et confiniis*] *In the relations arising out of neighborhood and common boundary.*——*Quantum liceat*] The subjunctive is used here, not on account of *quantum*, but because the whole context is dependent. Comp. Z. Gr. § 559.

13. *Nimirum est*] Respecting the collocation of the words, see Z. Gr. § 789.——*Fructus*] Comp. 16, 4.

16. *Curiales*] *those of his own district.* The word forms a contrast with *externos* and *hospites.* For *hospes*, like *hostis*, primarily means *a stranger*

Ch. XIX. See Conspectus.

3. *Cum multa*, etc.] i. e. cum multa majorum instituta *sunt* præclara, tum hoc est præclarum, quod juris scientia semper in honore fuit. Z.

5. *Cum is esset*] = *viveret.* Z. He alludes to Servius Sulpicius Rufus.

6. *Hæc .... grata*] The substantive verb is again omitted. Comp. § 3.

7. *Et gravior, et ornatior*] Orelli and Bonnell prefer *dicendi gravior facultas, et gratior et ornatior.* Comp. 13, 9. See Zumpt's explanation of *gravior:* "gravior quidem quoniam minus ad subtilitates juris privati descendit."——*Quid enim .... gratia*] The construction of the ablatives in this sentence should not be confounded.

9. *Facile*] = *libenter.* Z.——*Gratuito defendentis*] In early times attorneys performed their services gratuitously; but afterwards a deviation from this custom occasioned the passage of the *lex Cincia*, respecting which, see Smith's Dict. Antiq.——*Beneficia et patrocinia*] Hendyadis. B.

10. *Admonebat*] Z. Gr. § 519; and Madvig, § 348, b.——*Ne ... aliquid viderer queri*] *Aliquid* is used instead of *quid* after *ne*, for the sake of definiteness. *Aliquid* differs from *quid* in such a clause, as *something* differs from *any thing.* See Z. Gr. § 708, 2.——*Videmus ... audacia*] Comp. Corn. Nep. Attic. 18, 3: Juniam familiam a stirpe ad hanc ætatem ordine enumeravit, notans, qui, a quo ortus, quos honores, quibusque temporibus cepisset. Z.

11. *Licet tamen .... rogantem*] "The subject cannot be expressed with the infinitive when it is an indefinite person, for the Romans had no word to express the English *one*, French *on*. But even in this case, the verb *esse*, and those denoting *to appear, to be considered* or *called*, require the predicate, if it be declinable, to agree with the non-expressed subject in the accusative." Z. Gr. § 608. Comp. Z. Gr. § 601, for the varying construction with *licet.*——*Beneficia petentem*] The omitted pronoun which would be the remote object of the participle, refers of course to *multis. Beneficia* must refer to civil offices.——*Judicibus, magistratibus*] Observe the asyndeton, and comp. § 2.——*Eos ipsos, qui consuluntur*] = *juris consultos.*

14. *Adversus*] Comp. I, 11, 1.——*Erit .... compensandum*] Observe the change from the present to the future tense, and compare § 10 of next chapter. B.

Ch. XX. 5. *Pecuniam qui*, etc.] The same quotation is found in the oration pro Planc. 28. Its author is not known.

6. *Quamvis*] = *quantumvis.* Comp. I, 25, 5; III, 33, 9.——*Aliquod*] This form is used when it is an adjective. *Beneficium* is understood. B.

7. *Ille tenuis*] refers to § 4, *inops ille.* B.——*Gratum se studet*] Z. Gr. § 610.

8. *Illud est, quod*] Z. Gr. § 626, note 1.

10. *Vero*] Z. Gr. § 710.

12. *Utentior*] We have another example of the use of the present participle in the comparative degree in the word *parentiores*, I, 22, 7. For the signification of *utentior*, compare de Amic. 6, 9; Hor. Epist. I, 7, 57. B.

13. *Quodsi*] Z. Gr. § 807.

14. *In beneficiis operaque dandâ*] Hendyadis. B

CH. XXI. 2. *Partim .... partim*] Z. Gr. §§ 268, 271.

3. *Danda .... consulatur*] According to Bonnell, *utrisque* depends on *danda;* according to Zumpt, on *consulatur.* Zumpt says respecting the whole sentence: Constructio verborum plena hæc est, *ut utrisque, nec minus universis quam singulis consulatur. Etiam* autem, si rem accurate expendas, ortum ex eo, quod cogitabat *non solum universis sed etiam singulis.*

4. *C. Gracchi .... largitio*] The law proposed by Gracchus (B. C. 123) enacted that corn should be sold by the state to the people once a month, at five-sixths of an as for each modius. See Smith's Dict. Antiq., *Semproniæ leges.*——*Modica M. Octavii*] The law of Gracchus was repealed three years later by Octavius, and, as it may be inferred from the passage, a price somewhat higher was set.

5. *Neque .... publice deminutio fiat*] Which was done by the agrarian laws.

6. *Philippus*] Comp. 17, 6.——*Et in eo*] instead of *et in quo.* Comp. 3, 13. B. Z. Gr. § 806.

7. *Capitalis*] *Deserving capital punishment.*——*Ad æquationem .... pertinens*] For the assertion that all the property in the state was in the hands of 2,000 men, was fitted to stir up the numerous poor against the rich.

9. *Duce natura*] Comp. I, 44, 7.

10. *Tributum sit conferendum*] After the war with Macedonia, (B. C. 147,) when the Roman treasury was filled with the wealth accruing from conquests and from the provinces, the Roman citizens were exempted from paying the tributum; and this state of things lasted down to the consulship of Hirtius and Pansa, (B. C. 43,) the year after Cicero wrote this book. See Smith's Dict. Antiq., *Tributum.* Comp. 22, 2.

11. *Malo .... disputo*] The first part of the parenthesis—*malo .... ominari*—refers to *alicui rei publicæ;* in the second part he recalls the words which he has just uttered, as uncalled for, because he is speaking of *the state* in general, and not of any state in particular.

12. *Debebunt*] Comp. 18, 3; I, 1, 3, *disces.*——*Necessariæ*] One MS. adds the words *ad victum* to this sentence, and Zumpt adopts them.

15. *Utinam*, etc.] It is not known on what occasion the Samnite general uttered these words, nor by whom they were recorded before the times of Cicero. Zumpt suggests that Cicero quotes from the *Origines* of Cato.

16. *Næ illi*] See Z. Gr. § 360, for the construction of *næ*.——*Siquidem*] Conjunctio causalis est, idem fere significans, quod quoniam. See Z. Gr. § 346.

17. *Nondum centum et decem*] It was just 105 years, for Piso was tribune, B. C. 149.——*Tantum .... excitatum*] M. Livius Drusus (B. C. 91) proposed a law admitting the civitates fœderatæ to the Roman civitas. Another law, however, which he proposed concerning the appointment of judges, the object of which was to secure the better administration of justice, caused such odium against him that he was finally assassinated. The death of their patron at Rome, and especially the neglect on the part of the magistrates to inquire into his death, led the allied states to despair of gaining the privileges they sought, and then to revolt. The war was variously called, *Italicum*, *sociale*, and *Marsicum*.——*Sublatis legibus*] During the dictatorships of Sulla and Julius Cæsar.

CH. XXII. 1. *Laudat Africanum Panætius*] See I, 26, 5.

2. *Tantum .... pecuniæ*] Compare Vell. Pat. I, 9, who says that he brought into the treasury *bis millies centies sestertium.*

4. *Quid?*] Z. Gr. § 769.——*Numquid*] Z. Gr. § 351, note.

5. *Unde egressa est*] Chapter 21, 14.

7. *Apollo .... perituram*] The Spartan kings Alcamenes and Theopompus received from the oracle the answer, 'Α φιλοχρηματία Σπαρταν ὀλεῖ, ἄλλο δὲ οὐδέν.

8. *Abstinentia et continentia*] These virtues are both antagonists of *avaritia.* The former respects that which is another's, the latter that which pertains to one's self.

9. *Qui .... volunt*] See Z. Gr. § 610. *Esse* is understood.——*Ut possessores .... sedibus*] The *possessores* of the lands affected by the agrarian laws were not the owners, but the occupiers merely of that which belonged to the state. See Niebuhr's Hist. Rome.

10. *Suæ rei cujusque*] Compare I, 7, 4. The usual order of these words would be *suæ cujusque rei.*

12. *Non fuisse solvendo*] *to have been insolvent.* Z. Gr. § 664, note 1.

14. *Quam autem habet æquitatem*] i. e. *quam æque fit.* See Z. Gr. § 623. ——*Possessum*] Observe that this word is used here in its proper signification, as the land was held, not owned, by its occupiers. Z., and § 9.

CH. XXIII. 2. *Exque*] Compare I, 34, 2; I, 35, 2; Z. Gr. § 356.

3. *Contagionibus*] Observe the use of the plural.

6. *In bonis et possessionibus*] Hendyadis. B.——*Possederant*] *Had taken possession of.* Z.

7. *Ptolemæum*] Ptolemy Philadelphus.

10. *Ut bis jam vidimus*] First under Sylla, afterwards under Julius Cæsar.

11. *Commoda civium non divellere*] *Omnium utilitati pariter consulere: non, una civium parte neglecta, alteram tueri.* Z.

12. *Habitent*] Observe that the person asking this question would himself answer it in the negative. Hence the subjunctive. Z. Gr. § 530.——*Quid ita*] Z. Gr. § 769.——*Tucar*] scil. *ædificia, keep in repair.*

13. *Tabulæ novæ*] *New accounts,* i. e. an entire or partial remission of debts by public authority.——*Quid habent argumenti*] What is their drift —what do they mean?

Ch. XXIV. 1. *Quod .... potest*] *Quod* refers to the whole preceding thought, and is used instead of the more common *id quod* of Cicero. B.——*Non, si fuerit,* etc.] *non faciendum est* may be supplied from the preceding *providendum est.*

3. *Nunquam vehementius,* etc.] By Catiline and his conspirators.——*Ne solveretur*] *against the payment of debts.*

4. *Dissolutum*] is a stronger expression than *solutum.* B.

5. *Hic nunc victor*] Julius Cæsar, whom the state had not yet ceased to obey. Comp. 7, 4.——*Tum quidem victus*] When the conspiracy of Catiline was suppressed.——*Quæ cogitarat*] After these words, Bonnell supplies, from the codex Bern. c., *cum ipsius intererat, tum,* which emendation Zumpt would not object to.——*Cum ejus jam nihil interesset*] After he had been enriched by his victories over the Gauls. Bonnell explains the subjunctive of this clause as distinguished from the indicative *intererat,* which appears in his text by making *cum* in the one case denote a connection of time, and in the other, a connection of thought, *although.*——*Tanta in eo,* etc.] It is conceded on all hands that this is a harsh judgment respecting Cæsar. See Cæsar's own justification of the measures alluded to, in Bell. Civ. III, 1.

8. *Antipater Tyrius*] This Antipater was a Stoic philosopher, a friend of Cato Uticensis and his master in Ethics and Politics. B.

9. *Sed*] In the same way *igitur* might have been used to recall the thing to be considered. Z. Gr. § 739.——*Eorum .... pertinent*] A circumlocution for *medicorum.* Among the Romans many physicians were slaves.

11. *Œconomicus*] Cicero's Latin translation of this still extant work of Xenophon is lost, with the exception of a few fragments.

Ch. XXV. See Conspectus, and I, 3.

2. *Corporis*] Respecting this genitive and the following, see Z. Gr. § 767.——*Valere ut malis*] See Zumpt's explanation of the order of these words, Gr. § 356.

4. *Externorum*] Similarity of construction would have required *externa inter se hoc modo comparantur.* But for the sake of brevity the construction is changed. Heusinger makes *externorum* depend on *numero* understood, (*e numero.*) According to Bonnell it depends on *gloria* and *vectigalia.* For a construction like the latter, compare Tac. Germ. 9: *Deorum maxime Mercurium colunt;* Tac. Hist. I, 31: *Tribunorum Subrium et Cerium milites adorti;* Hist. II, 15: *quorum improvide secutos equites circumvenerunt.*——*Vectigalia*] This word here means, *private income; vectigalia urbana, income from possessions in the city.*

5. *Pascere*] *The raising of cattle.*——*Quid fenerari ..... occidere*] Compare what Cicero says of usurers, I, 42, 2.

7. *Optimis viris*] This expression is evidently ironical.——*Ad Janum medium*] Janus summus, Janus medius, and Janus imus are mentioned by Latin writers. Beier holds that the two sides of the Forum Romanum, along which were ranged the *tabernæ*, shops, and places of business, were called Janus medius; while the end nearest the Capitol was called Janus summus; and the remote end, Janus imus. Zumpt, on the other hand, maintains that they were three over-built passages to the forum, where the usurers and gold and silver smiths had their places of business.

THIRD BOOK.

CH. I. See Conspectus.

1. *Appellatus est*] Zumpt has *appellatus sit*. But, as Cato knew only one Africanus, the intermediate clause contains the thought of Cicero only and not of Cato.——*Qui fuit fere æqualis*] Cato was quæstor when Africanus was consul, and is therefore called *fere æqualis*. B.——*Otiosum*] *Otiosus* may mean either free from public business, or free from every kind of business.

2. *Vero*] *in truth.*

4. *Armis impiis vique*] Hendyadis for *vi armorum impiorum*. He speaks of Antony, who used to go to the senate surrounded by a guard of armed men. Comp. Phil. V, 6, 17: *An illa non gravissimis ignominiis—sunt notanda, quod unus M. Antonius in hac urbe post conditam urbem palam secum habuerit armatos.* From this passage we see that Cicero was engaged on these books towards the close of the year 44, B. C. Comp. B. and Z.

5. *Hoc .... hæc*] = *meum, mea*, or *nostrum, nostra*. See Z. Gr. § 127. Comp. § 6, *nostrum otium*. B.

8. *Vixerimus*] For the explanation of the subjunctive, see Z. Gr. § 555.

9. *Si quid*] Z. Gr. § 740.——*Quo debebat*] Z. Gr. § 518.——*Peperisset*] Comp. § 8: *vixerimus*.

12. *Plura*] Most of Cicero's philosophical works, and some of the rhetorical, were written during the period of his life which followed the usurpation of Cæsar.

CH. II. 5. *Ad mercaturam bonarum artium*] = *ad mercandas bonas artes*. Z.——*Turpissimum est*] This clause is hypothetical. Z. Gr. § 518. B.

6. *Si discendi labor*] Z. Gr. § 425.

9. *Triginta annis*] A deviation from the usage of Cicero. See Z. Gr. § 396.

12. *De quo*] *Concerning which thing*. For the phrase is not grammatically connected with *alterum*.

14. *Testis locuples*] *Locuples* has not its original meaning here, but a derived one. It may be translated *sufficient, reliable*. Comp. 27, 1; Auct. Dial. de Orat. V: *non alium video reum locupletiorem.*——*Coæ Veneris*] Bonnell agrees with Stuerenburg in the reading *in Coa Venere*, for which they find good manuscript authority. See what Pliny says of this statue, H. N. XXXV, 36: *Apelles inchoaverat et aliam Venerem Cois,*

superaturus etiam suam illam priorem. Invidit vero mors peracta parte, nec, qui succederet operi ad præscripta lineamenta, inventus est.

CH. III. See Conspectus.

2. *Nam sive .... placet*] See I, 3, 4, note.——*Vestris*] Cicero alludes to his son's relation to Cratippus, a master of the Peripatetic school.

3. *Socratem .... distraxissent*] Comp. de Leg. I, 12. *Recte Socrates execrari eum solebat, qui primus utilitatem a natura sejunxisset. Id enim querebatur caput esse exitiorum omnium.*——*Primum*] *Primi* might have been used. Z. Gr. § 686.

5. *Indolentia*] This word, according to Nonius, (II, 453,) was coined by Cicero, to represent the Greek ἀναλγησία, which may also be inferred from de Fin. II, 4, 11: *num propterea voluptas idem est, quod, ut ita dicam, indolentia.*——*Qui res expetendas vel voluptate vel indolentia metiuntur*] In the word *voluptate* Cicero alludes to the Cyrenaic sect of Aristippus, in *indolentia* to that of Hieronymus of Rhodes. Comp. de Fin. II, 6, 19: *nec Aristippus, qui voluptatem summum bonum dicit, in voluptate ponit non dolere; neque Hieronymus, qui summum bonum statuit non dolere, voluptatis nomine unquam utitur pro illa indolentia: quippe qui ne in expetendis quidem rebus numeret voluptatem.* B.

7. *Convenienter naturæ vivere*] Comp. de Fin. V, 9, 26; *secundum naturam vivere: quod ita interpretemur, vivere ex hominis natura undique perfecta et nihil requirente.*——*Quæ secundum naturam essent*] Cicero here means those things which (de Fin. V, 7, 18) he calls *prima secundum naturam ....; in quibus numerant incolumitatem conservationemque omnium partium, valetudinem, sensus integros, doloris vacuitatem, vires, pulchritudinem, cætera generis ejusdem.* Comp. 5, 2, 8, 10; 8, 2.——*Ita legere*] The following passage from de Fin. IV, 25, 71, will serve to explain Cicero's meaning. *Media illa, inter quæ nihil interest, tamen ejusmodi sunt, ut eorum alia eligenda sint, alia rejicienda, alia omnino negligenda, hoc est, ut eorum alia velis, alia nolis, alia non cures.*

8. *Putant*] scil. Stoici.

9. See Conspectus.——*Atque*] has the signification of *at.*——*Id*] Comp I, 35, 3; and infra, § 10.——*Similitudines*, etc.] For the omission of the adversative particle, see Z. Gr. § 781.

10. *Officia, media, communia, rectum*] Comp. I, 3, 4, note.

11. *Omnes numeros habet*] Heusinger says: *Metaphora est a palæstra, cujus omnes motus ad decus compositos qui perdidicerant, omnes numeros habere dicebantur.*

13. *Poëmatis*] See Z. Gr. § 67.——*Unaquaque*] Bonnell reads *quaque* simply. For the difference, see Z. Gr. § 710.——*Cum sunt docti*] Comp. § 12: *cum actum est.*

CH. IV. 1. *Secunda honesta*] *Virtues of the second rank.* Z.

2. *Tamquam a sapiente*] i. e. the *sapiens*, the wise man, of the Stoics their ideal of the perfect man.

4. *Cum utilitatis repugnantia*] = *cum utilitate, quando honesto repugnat.* Z.

6. *Teneri non potest*] *Progress cannot be securely maintained.* Z.——*Si qua*] Comp. II, 21, 11: *si quæ.* See Z. Gr. § 136.

7. *Præponderari deliberando*] Comp. 3, 2: *minimi momenti;* 8, 3: *honestas omni pondere gravior.* B.

10. See Conspectus.

11. *Tempore fit*] *Tempus* here means that change of circumstances which a change of time produces. See the discussion in I, 10.——*Quod pateat latius*] *of rather extensive application.*

14. See Conspectus.

15. *Qui quondam iidem erant*] See I, 1, 3.——*Splendidius*] The splendor of *truth* is here meant. B.——*Quicquid honestum est*, etc.] The *formula* which is prefaced with so many words, is at last introduced in a subordinate clause.

16. *Nostra Academia*] See I, 2, 10, note.——*Licentiam dat, ut liceat*] Z. Gr. § 750. Comp. 8, 7: *hoc deliberantium genus, qui deliberant.*

Ch. V. See Conspectus.

2. *Principio*] = *primum.* The *deinde* follows in § 13. B.

3. *Si unumquodque membrum hunc sensum haberet, ut putaret*] = *si unumquodque membrum putaret.* Z. Gr. § 750. Z.——*Debilitari .... necesse esset .... evertatur necesse est*] Z. Gr. § 625.——*Quod cuique possit*] Observe the reason why *cuique* is here preferred to *unicuique.*

5. *Jure gentium*] *Natural right.* Comp. Tusc. Disp. III, 17, 5: *omni in re consensio omnium gentium lex naturæ putanda est.*

6. *Damno*] = *mulcta.*

7. *Atque*] Comp. 3, 9.

8. *Communitas*] See I, 43, 3. Bonnell finds suggested in the order of the words of this passage a correspondence between *excelsitas animi* and *voluptas;* between *communitas* and *vita;* between *liberalitas* and *divitiæ;* and that *quæ quidem contemnere* is the utterance of *excelsitas animi; pro omnibus gentibus conservandis—maximos labores suscipere* (§ 10) that of *communitas; nemini injuriam facere* (§ 13, seqq.) that of *justitia;* while *liberalitas* is referred to in 6, 6.

10. *Ut excellas*] A change of construction to avoid uniformity of expression, which *excellentem etiam* would have occasioned. B.——*Pulchritudine et viribus*] "According to the doctrine of Zeno, (Diog. Laërt. VII, § 107,) εὐφυΐα and ἰσχύς—beauty and strength—had in themselves also (δι' αὑτά) a value, and consequently the same *in solitudine.*" See Bonnell, and compare Beier.

14. *Hominem*] i. e. all that makes him man.

Ch. VI. 1. *Ergo unum .... propositum, ut*] Bonnell says that this is not the statement of an abstract proposition, but of life's problem for all, and for that reason we have *ut* with the subjunctive instead of the accusative and infinitive, just as in the next § we have *præscribit, ut;* and in § 9, *ut violem.*

2. *Omnium utilitatem esse communem*] *we are all interested in the gooa of all.*

3. *Verum autem .... extremum*] As Bonnell remarks, the conclusion might have been deduced immediately from the first proposition, § 2: *si hoc natura præscribit,* etc.

7. *Quæ vacent injustitia*] Comp. I, 7, 2; III, 19, 4. B.

8. *Hæc .... virtus*] scil. *justitia,* which is easily supplied from the preceding sentence; as Zumpt says: e *vacatione injustitiæ* cogitatur *justitia.* It should be remarked, however, that Orelli and Bonnell have *quæ non vacent justitia,* instead of the reading of Heusinger and Zumpt. The text is very doubtful. Heusinger says: Quid Cicero velit, apparet; quid scripserit incertum est.

10. *Phalarim*] See II, 7, 16.

11. *Ab homine .... detraxeris*] We have in this section *detrahere* with *ab;* with *de,* §§ 12, 14; with the dative, §§ 4, 7. B. It will be readily observed that important clauses of this sentence are *utilitatis tuæ causa,* and *ob eam causam.*

13. *Aut quid ejusmodi*] *Quid* instead of *aliquid.* Z. Gr. § 708.—— *Derelictio*] Bonnell says that this is the only place where this word is found.

14. *De se bene existimans seseque diligens*] *out of self-esteem and self-love.* Compare 33, 12: *scientiam suppeditantem voluptates, depellentem dolores.* Observe how the doctrine of this § is also qualified by § 11. Comp. B.

15. *Ita semper,* etc.] *In this way,* that is, by always adhering to the principles here suggested, *he will discharge his duty.*

16. *Et potius*] After a negative, the copulative conjunctions may have an adversative force. Comp. *atque* after *neque* in this same sentence.

19. *Ex tempore*] *According to circumstances.* See 4, 11.

Ch. VII. The foregoing chapters are in form introductory, and yet they contain the essence of Cicero's ideas on the subject of this book. That which follows seems to consist of repetitions and illustrations of those ideas. Garve.

1 *Aliqui casus*] Z. Gr. § 135.

2. *Ex superioribus .... possit*] In order to explain *ex,* most commentators give *sunt* the meaning of *extant.* Bonnell, however, prefers to consider it an enallage, by which the *ex,* which properly belongs to *quibus perspici possit,* is anticipated and connected with *superioribus libris.*

4. *Mihi utrumvis satis est*] It is immaterial with Cicero, for his present purpose, at least, whether his son grants the truth of the Stoic or the Peripatetic dogma.

5. *Neque .... fas erat*] For he could not do so, since he was a Stoic.

7. *Eam .... repugnantiam*] *that seeming, not real, contradiction.* A. W. Z.

9. *De iis*] = *ex iis.* Comp. Corn. Nep. Them. 9: *Thucydidi credo, qui ætate proximus de iis, qui illorum temporum historiam reliquerunt.* Z. ——*Quæ venerint*] Z. Gr. § 559.

Ch. VIII. 1. *Commoveri necesse est*] The subject, being general, is not expressed. In the next clause the indefiniteness is expressed by the use of the verb in the second person. Z. Gr. § 608, note.

4. *Quare error hominum,* etc.] The abstract for the concrete: *Quare, non natura duce, sed errore quodam homines improbi—secernunt.* Beier.

6. *Fallacibus judiciis*] *mistaken conclusions.* The clause may be translated, *For they, judging falsely, see the advantages,* etc.——*Turpitudinis*] Turpissimum enim est, sceleris et flagitii sibi esse conscium. Heusinger.

7. *Deliberantium .... qui deliberant*] Comp. 4, 16.

9. *Si modo .... profecimus*] *If we have but made some proficiency in philosophy.*

Ch. IX. 1. *Hinc*] *For this reason, to prove this.* Heusinger.——*Essent*] Z. Gr. § 558.

4. *Bonis viris*] See Z. Gr. § 419, note. "The dative with passive verbs rarely occurs in the earlier Latin prose, especially in Cicero and Cæsar, and, with the exception of a few instances, is confined to the participle perfect passive and the tenses formed from it.

5. *Quasi vero .... defendat*] *As if, to be sure, he maintained.*

6. *Si nemo,* etc.] Z. Gr. § 784.——*Feceris*] is in the future perfect tense. Z.

7. *Quanquam potest id quidem*] i. e. actions with their motives can be concealed from gods and men. Cicero here asserts a dogma of the Academy.

8. *Hoc verbum*] *This expression.* *Verbum* does not necessarily mean a single word. Comp. Plaut. Trucul. IV, 4, 32: *Verum est verbum, quod memoratur: ubi amici ibidem opus.*

9. *Tormenta*] He alludes to the mode of examining witnesses by torture.

Ch. X. See Conspectus.

1. *Multæ sæpe*] Comp. I, 22, 2, where *multi* is in like manner connected with *sæpe. Multi enim bella sæpe quæsierunt.* Compare also Horat. Serm. I, 6, 10. This redundancy is not rare. See 12, 2, where *multæ* is omitted. ——*Cum hoc deliberetur*] The subjunctive depends on the indefiniteness of the proposition *incidunt causæ.* Z. But Bonnell considers this an in-

stance of the subjunctive present used in an aorist sense after *cum*, to express things which have happened repeatedly and still happen. See Z. Gr. § 570, end.

5. *Quirini vel Romuli*] Romulus deified was called Quirinus.

6. *Quod . . . . fiat.*] Z. Gr. § 559.

11. *Veram amici causam*] *Just, good.*——*Ut orandæ . . . . accommodet*] scil. *amico.* Respecting the restrictions of speakers in courts of justice in regard to time, see Smith's Dict. Antiq., *Horologium*, end. The word *tempus*, however, refers probably, as well to the *day* on which the trial should be held as the length of time allowed for speaking.

12. *Cum vero . . . . dicenda sit*] *But since he must pronounce judgment after taking oath.*

13. *Itaque præclarum*, etc.] Compare the paraphrase of Garve: "In this view, that is a noble custom which our forefathers have introduced, (did we but observe it still in its true spirit,) that the parties, when they entreat the judges to deal favorably with them, make use of the words: *so far as it can be done without a violation of conscience and official duty.*"

14. *Non amicitiæ tales*, etc.] *Such things cannot be considered friendships.* Z. Gr. § 372.

16. *Commendandorum suorum causa*] Heusinger: *Commendare suos* vel *sua* morituri dicuntur, qui alicujus fidei tuenda tradunt, quæ cara habent.——*Vas factus est*] Observe the anacoluthon occasioned by the introduction of several parenthetical clauses. The dependent clause, introduced by *ut*, should have been expressed in the subjunctive mood.

18. *Cum . . . . comparatur*——19. *Cum . . . . postulabuntur*] Notice the free variation of tense. Comp. B.

Ch. XI. 1. *Nostri*] scil. *peccaverunt*, which *peccatur* naturally suggests. But *durius etiam* requires a more general word, such as *fecerunt.* Comp. B. and Z.

2. *Uti prohibent*] Z. Gr. § 544.——*Pennus . . . . Papius*] Respecting the laws of Pennus and Papius, see Smith's Dict. Antiq.

4. *Quam legem . . . . Scævola*] Consult Smith's Dict. *Lex Licinia Mucia.*

5. *Illa*] Z. Gr. § 701.

8. *Statuerentque, ut*] Z. Gr. § 714.

10. *Non opus esse*] i. e. *perniciosum esse.* A. & S. § 324, 9.

13. *Nos, qui . . . . habemus*] Cæsar had not the power, nor, probably, the will to suppress the pirates who had aided him. B.——*Socios vectigales*] The people of Massilia, king Deioterus, and others who had aided Pompey.

Ch. XII. See Conspectus.

1. *Hoc enim ipsum*, etc.] *Hoc ipsum* qualifies *putare*, which is used as a noun. The antecedent of *quod*, the object of *putare*, is understood. Bon

nell gives a different punctuation, placing a comma after *ipsum*, and omitting it after *putare*. That changes a little the grammatical construction. See Z. Gr. § 598. Comp. II, 24, 5.

2. *Cum videatur*] See 10, 1: *cum deliberetur.*

3. *Alexandrea*] Z. Gr. § 2. This was the chief place from which the abundant corn of Egypt was exported for the nations to the north and west. B.——*Silentio*] Z. Gr. § 472, last paragraph.

4. *Dubitet, an turpe non sit*] "This signifies that he is inclined to think that it is not bad." Z. Gr. § 354.

5. *Diogeni Babylonio*] This Stoic philosopher was a disciple of Chrysippus, (see de Divin. I, 3,) and was one of the three Greek ambassadors, who, at the instance of Cato, were required to return in haste to their own country, lest the Romans should be spoiled through their philosophy.——*Antipatro*] Antipater of Tarsus, master of Panætius.

Ch. XIII. 1. *Sed ita expedire*] Observe the change to the *oratio obliqua.*

3. *Ille vero*] Z. Gr. § 716.

4. *Ruere*] Compare Zumpt. Qui cupiditate obcæcatus inconsulte rem amplectitur is *ruere* dicitur, *to be precipitate.* To fall into trouble from a want of consideration.

7. *Ratione*] Z. Gr. § 472, note.

8. *Præstandum est*] Comp. 16, 1, 10; 17, 12. B.

11. *Quicquid reticeas*] = *si quid reticeas, quodcunque est.* Comp. 12, 8. B.

12. *Nonne inutile est*] Comp. 11, 10.

Ch. XIV. 1. *Vanitatem*] See I, 42, 4.

2. *Hortulos*] Consult Z. Gr. § 96, for the difference in signification of the singular and plural of *hortus.*

3. *Argentariam*] scil. *negotiationem.*——*Faceret*] "The subjunctive is difficult to explain, unless it be that Cicero, by this very manner of life, designed to signify the man's covetousness." Z. Bonnell is also in doubt, but is inclined to consider it a relative clause giving the reason, like § 4: *qui esset .... gratiosus.* See Z. Gr. § 564.

7. *Et emit instructos*] Z. Gr. § 717.——*Nomina facit*] The word *nomen* is of extensive use in money transactions. Properly it denoted the name of a debtor, registered in a banker's or any other account-book: hence it came to signify the articles of an account, a debtor, or a debt itself. Thus we have *bonum nomen*, a good debt; *nomina facere*, to lend money, and also *to borrow money.* Smith's Dict. Antiq., *Roman Interest.*

8. *Eos nullos*] Z. Gr. § 430.

9. *Sed quid faceret*] Z. Gr. § 530.——*Nondum enim Aquillius ..... formulas*] C. Aquillius Gallus was Cicero's colleague in the prætorship

Compare de Nat. Deor. III, 30: *dolum* [*malum*] *Aquillius tum teneri putat, quum aliud sit simulatum, aliud actum.*

Ch. XV. 2. *Lege Plætoria*] See Smith's Dict. Antiq., *Curator.*——*Judiciis .... bona*] judiciis, in quibus a prætore judex dabatur cum formula, ut *ex fide bona* judicaret. Z.

3. *Hæc verba*] *the words which follow.*——*In arbitrio*] Cicero himself states (pro Rosc. Com. 4, 10) the difference between *judicium* and *arbitrium. Judicium* est pecuniæ certæ; *arbitrium* incertæ. Ad *judicium* hoc modo venimus, ut totam litem aut obtineamus, aut amittamus: ad *arbitrium* hoc animo adimus, ut neque nihil, neque tantum, quantum postulavimus, consequamur.——*Rei uxoriæ*] *Res uxoria* is the portion of a wife, to be restored to her when divorced. Z. Comp. Smith's Dict., *Dos.*——*Melius æquius*] "Dos interdum his conditionibus dari solebat, ut, si inter virum uxoremque divortium contigisset, quod melius æquius esset apud virum remaneret, reliquum dotis restitueretur uxori, id est, ut quod ex dote judicatum fuisset melius æquius esse, ut apud virum maneret, id vir sibi retineret; quod vero non esset melius æquius apud virum manere, id uxor post divortium reciperet. In quo judicio non tantum boni natura spectari solet, verum etiam comparatio bonorum fit, ut non tam quod æquum, sed melius æquiusque est, id sequendum sit."——*Fiducia*] *Fiducia* has here a concrete signification. If the obligation was discharged the pledge must be restored.——Ut .... agier] The quotation is given at greater length in 17, 7.

6. *Contra reliceatur*] In most editions *contra se liceatur.* The reading in the text is found in one MS. only, and was first adopted by Zumpt who is followed by Bonnell. The word *reliceri* is found in no other passage, and is explained by Zumpt to mean, *to bid back*, that is, lower than some one has already bid, in order to produce the impression that the property is not worth what has been offered for it. The great excellence of the MS. (Bern. c.) is relied on to justify the innovation in the text.

9. *Nequicquam .... quiret*] Cicero quotes (Epist. ad Fam. VII, 6) the verse from the Medea of Ennius at length, of which he here gives the substance. *Qui ipse sibi sapiens prodesse non quit, nequicquam sapit.*

Ch. XVI. 2. *Lingua nuncupata*] Compare *nominatim dictum*, § 3.

4. *Arce*] scil. *Capitolina.* As the augurs faced the east when they were engaged in their ceremonies, a house on the Cœlian hill might obstruct their view. B.——*Insulam*] *Insula* was properly a house not joined to the neighboring houses by a common wall. In the time of the emperors the name was applied to any *hired* lodgings. See Smith's Dict., *House.*

5. *Arbitrum adegit*] = *ad arbitrum egit.*——Quicquid .... bona] Respicit ad formulam stipulationis: *promittisne, quicquid te dare, facere opor-*

tet? Respondebatur *promitto.* Hac stipulatione facta, ad arbitrium veniebant, qui *ex fide bona* æstimato damno statueret, quid alter alteri daret faceretve. Z.

7. *Igitur*] Z. Gr. § 739.——*Judex*] The *arbiter* is here called *judex.* For the distinction between *judex* and *arbiter, judicium* and *arbitrium,* see Smith's Dict., *Judex.*

8. *Reticentiæ*] Comp. I, 22, 15.

9. *Serviebant*] Consult Smith's Dict., *Servitutes.*

10. *Teneret*] = *sciret.*

Ch. XVII. 1. *Leges .... intelligentia*] Philosophy goes farther than the laws, which are confined in their operation to that which is *tangible.*

2. *Proscribas*] Z. Gr. § 530.——*In eam .... incurrat*] *Eam* refers grammatically to *domum,* which in the mind of the writer takes the place of the toils by which the game is caught.

6. *Naturæ et veritatis*] Bonnell is inclined to agree with A. W. Zumpt in considering these genitives appositive, (genitivus epexigeticus.) Z. Gr. § 425.

8. *Judicia contraria*] The design of the *judicia contraria* was to check litigation. If a plaintiff lost his case he was himself liable to an action, and judgment was given against him, whether he had been honest in his prosecution or not. See Smith's Dict., *Vindicatio.*

9. *Illa quidem*] Comp. I, 18, 4.

13. *Heredum alia causa est*] The case of the inheritors of slaves is different, for they are not supposed to be acquainted with their faults, if they have any.

14. *In malitia .... intelligentiæ*] Comp. 25, 11: *prudentia quam vult imitari malitia.*

Ch. XVIII. 1. *Periclitemur*] *Let us put to the test* the principle which I have laid down.

2. *Qui non .... fatigandi*] Comp. 17, 1.

5. *Alterum vivum amavi*] scil. *Hortensium.* Of his feelings towards Crassus he spoke more freely while he was living. See Epist. ad Fam. I, 9, 20.——*Alterum .... alterum*] Z. Gr. § 700, note.

6. *Civis*] Orelli and Zumpt have *cives,* on the authority of one MS., (Bern. c.) Bonnell retains the common reading and considers it a genitive, because the wrong is aggravated by the fact that the property of a *citizen* is concerned. Beier has *civis,* but considers it accusative, *principes* agreeing with it. Comp. de Nat. Deor. II, 67, 168, and Brutus, 20, 80.

7. *In primo libro*] Z. Gr. § 481.

Ch. XIX. 2. *At dares*] Z. Gr. § 780.——*Crede mihi*] Z. Gr. § 801 ——*Saltaret*] Dancing was not performed by any Roman citizens, except

in connection with religion. In the later times of the republic it was considered highly disgraceful for a freeman to dance. Smith's Dict., *Saltatio* Comp. Cic. pro Mur. 6, 13.

4. *Complicatam*] scil. a natura insitam, sed quæ, adhibita cogitatione clarior et distinctior fit. Z.

5. *Hic non noceat*] Z. Gr. § 530. So also *faciat* in § 6.

7. *Consularem*] Fimbria is called *consularis* to distinguish him from the Caius Fimbria, who, having occasioned the death of Lucius Flaccus, proconsul of Asia, in the year 85, was the next year conquered by Sylla, and then fell by his own hand.——*De patre nostro*] *Ab* is more commonly used with *audire* to express the relation here expressed by *de*. B.

8. *Fimbria etiam*] Who was no philosopher.

9. *Non modo facere*] Z. Gr. § 724, b.

10. *Hæc non turpe*] Here the enclitic *ne*, that is, the sign of interrogation, is omitted after *non*. The interrogative meaning may, in direct speech, be given to a proposition by its mere tone, when a question at the same time conveys the idea of surprise or astonishment. Z. Gr. § 351, note.——*Mices*] This word is applied to a simple game of the Romans, which is still very common among their descendants. The game is this. Of two persons, one, at a given signal, quickly opens any number of his fingers. At the same moment, the other endeavors to match his opponent by opening the same number. In the light, of course, each could see, as soon as it was done, whether the guess was successful. In the dark, honesty would be the only check to deception.

12. *Gygi illi*] Comp. 9, 1.

CH. XX. 1. *At enim*] *But no* (some one may say) *for*. See Hand's Tursellinus, I, p. 445: Per *at* rejicitur aliqua sententia, per *enim* infertur alia sententia.

3. *Noster . . . . . Gratidianus*] Comp. 16, 9.——*De communi sententia*] that is, according to the common, the united judgment of the tribunes and the prætors.

5. *Recta*] scil. *via, straightway, immediately*.

8. *Species, forma et notio*] Observe the exception to, Z. Gr. § 783.

CH. XXI. 1. *Qui etiam . . . . esset*] He alludes to Pompey, who married the daughter of Cæsar.

2. *Alterius*] scil. *Cæsaris*.

3. *Versus de Phœnissis*] The verses in the *Phœnissæ* of Euripides, which he translates, are as follows:—

> Εἴπερ γὰρ ἀδικεῖν χρὴ, τυραννίδος πέρι
> Κάλλιστον ἀδικεῖν· τἄλλα δ' εὐσεβεῖν χρεων.

4. *Capitalis*] *Worthy of death*.

8. *Quamvis ... Parens nominetur*] Cæsar received this title from the senate the year before his death.

12. *Boni*] = *amici, benevoli.* Comp. Virg. Ecl. 5, 65: *Sis bonus o felixque tuis.*——*At cui regno*] scil. *sunt iniqui atque infideles?* As if he had said: What kingdom is it that he is speaking of?

Ch. XXII. 1. *Quamquam*] See Z. Gr. § 341, on the signification of this word.

6. *Civitates*] Probably cities of Asia Minor which had been taken from Mithridates, and had been brought under Roman dominion.——*Liberavisset*] scil. *a vectigalibus.*

9. *Illa ordinum conjunctio*] Harmony between the *senate*, who had the control of the business, and the *equestrian order*, to which the *publicani* belonged. This harmony was disturbed by Cato's policy; and what added to this evil was the success of the *publicani* with Cæsar, through whom they obtained what the senate had refused. The knights were thus alienated from the senate, and joined to the party of Cæsar.

Ch. XXIII. 1. *Hecatonis*] See 15, 10.——*Familiam*] = servos et ancillas.

3. *Tabulam*] Observe the primary signification of this word.——*Injurium*] This word is found in no other passage in the writings of Cicero. B.

4. *Non plus, quam*] Instead of *non magis quam*, which is more usual with Cicero.

7. *Micando*] See 19, 10.——*Non igitur*, etc.] Comp. 19, 10: *Hæc non turpe*, etc.

8. *Accusabit*] i. e. privately, not before a judge.

9. *Diogenes ait: Antipater negat*] See 12, 5.

10. *Vinum fugiens*] Compare our familiar expression: wine, fruits, etc., which *do not keep.* Also Sen. Epist. 12: *Gratissima sunt poma cum fugiunt.*

11. *Furacem*] *Thievish.* He speaks of the moral *character.* There is no inconsistency between this sentence and 17, 12. If a slave manifested a thievish disposition by stealing from his master, it was not necessary to declare it when he was offered for sale. But if the owner of a slave, when he offered him for sale, concealed the fact that the slave had made his master liable for damages by stealing from a *third* person, he was responsible, and might be required to receive the slave back.

Ch. XXIV. 1. *Servanda sint*] Observe the subjunctive here as in § 3, *faciat*, the proposition from which the indirect question depends being omitted.

Ch. XXV. 2 *Atque is*] In the beginning of a sentence *atque* has

more force than *et*, and in the present case is nearly equivalent to *sed is, is vero.* Z.

3. *Fuerat*] Z. Gr. § 518.

6. *Si gladium .... deposuerit*] Z. Gr. § 524.

7. *Reddasne*] Z. Gr. § 530.

12. *In conformatione*] *Conformatio* et *moderatio continentiæ* est continentia et temperantia conformans et moderans animi motus non minus, quam ipsas actiones. Hic enim effectus est continentiæ et temperantiæ. Heusinger. Comp. de Fin. V, 6: *Inventa vitæ via est et conformatio omnium officiorum.*

Ch. XXVI. 1. *Ulixi*] Comp. 1, 31, 8.——*Optimum auctorem*] *Most worthy of confidence.*

4. *Cujus .... fidem*] The antecedent of *cujus juris jurandi* (*ejus juris jurandi*) limits *fidem.* The allusion is to the oath which the Greeks took in public council, that they would go to Troy and not return till they had levelled that city with the ground.——*Ne coiret*] *that he might not go in company.*——*Palamedis ..... prudentia*] The device of Palamedes for showing the sanity of Ulysses is mentioned in the classical dictionaries in the articles on Ulysses.——*Percepset*] For *percepisset.*——*Fide*] This form of the genitive of the fifth declension occurs very frequently in poetry. Z. Gr. § 85, note 3.——*Falleret*] Z. Gr. § 525. The verses are thought to have been quoted from the *Judicium armorum* of Pacuvius.

7. *Consul iterum*] Regulus was proconsul at the time (B. C. 255) when he was taken captive in Africa. He had been consul the second time the preceding year.

Ch. XXVII. 1. *Locupletiores auctores*] scil. *quam hæ virtutes sunt. More reliable witnesses, better authority.*

7. *At stulte*] Z. Gr. § 771.

8. *Cuiquam civi*] Z. Gr. § 676.

Ch. XXVIII. 4. *Dixerit quis*] It will be observed that the remarks of the third person here introduced extend to § 8.

6. *An ne ..... faceret*] See Zumpt's remarks on use of *an*, Gr. § 353.——*Primum, minima de malis*] Primum hoc constat, omnium philosophorum præceptum esse, *minima de malis sumenda.* Heusinger.

7. *Illud*] Comp. I, 33, 1.——*Apud Attium*] That is, in his Atreus. Thyestes proposes the question to Atreus, who answers him: *Neque dedi,* scil. *fidem,* etc. The metre is trochaic. B.

Ch. XXIX. 3. *Sed quæ vis sit*] scil. *juris jurandi. What the nature, meaning, force of an oath is.*

4. *Quasi deo teste*] The explanation of *quasi* is found in 10, 12.

5. *Apta pinnis*] *Winged.* *Pinnis* is the old form for *pennis.* The construction is poetical for *cui aptæ pennæ sunt.* B.——*Jus jurandum Jovis*] Because Jupiter was the avenger of perjury. Comp. Ζεὺς Ὅρκειος. B.

6. *At enim,* etc.] This second objection, (comp. 28, 5,) as also the first, in the first sentence of this chapter, are quoted from the preceding chapter in order to be answered.

9. *Principem*] *A leading man, "one of the first men of Rome."*

10. *Nam*] *Nam* is here a particle of transition to the third objection, as in § 12 to the fourth. B.

11. *Itaque nervosius qui ista disserunt*] The Stoics.——*Qui autem remissius*] The Peripatetics.

13. *Si hoc sibi sumunt*] *If one adopts this sentiment as his own.* Comp. I, 9, 1: *nolunt.*

19. *Scite enim Euripides*] In the Hippolytus, v. 611: Ἡ γλῶσσ' ὀμώμοχ', ἡ δὲ φρὴν ἀνώμοτος.

Ch. XXX. 4. *Q. Pompeius*] This was Pompeius Rufus, who was consul B. C. 141.

6. *At non debuit,* etc.] The objector proceeds to give a new reason for condemning the course of Regulus, which, however, is briefly answered in the next sentence, *Quasi .... adhiberi.* In the question which the objector next asks, observe the use of the imperfect tense, *proficiscebatur*, and compare Z. Gr. § 500, note 1.

8. *Ita incolumis .... restitisset*] Bonnell separates these words from the preceding sentence and puts them into the mouth of the objector.

10. *Immo vero esse, non fieri*] The sentence is left elliptical, because the sense is evident without being fully expressed in words. *Dicere debent* or *dicendum est* may be supplied.——*Est enim nihil utile .... honestum, utile*] *For nothing is expedient which is not also virtuous, nor is it virtuous because it is expedient, but expedient because it is virtuous.*

Ch. XXXI. 4. *Sacratæ*] scil. *leges.* Certæ quædam leges in republica Romana, in primis quibus jus provocationis et tribunicia potestas sanciretur, sacratæ dictæ sunt, propterea quod in iis adjunctum erat, ut, qui contra eas fecisset, diis sacer esset. Z.

7. *Quod cum*] See Z. Gr. § 807. Compare also the citations in Freund Lat. Lex., *Quod.*——*Cum prima luce*] Nonius states that the Romans treated *lux* as a masculine noun, and refers to a passage in this book of this treatise for proof of his statement. He did not, however, give the passage, or if he did, it has been omitted by transcribers of his work. On this rather uncertain testimony, and that of the Cod. Bern. c., some editors rely for *primo luci*, the reading which they have adopted. Thus Orelli. See Z. Gr. § 78.——*Domum*] Z. Gr. § 400.

8. *Qui .... arbitraretur*] Observe the subjunctive.

11. *Ad Veserim*] It is uncertain whether Veseris was a river or a city The battle alluded to took place B. C. 340. Comp. Liv. VIII, 8.——*Severus in filium*] See account of the severity which he exercised towards his son for engaging in battle with the enemy contrary to orders, in Liv VIII, 7.

CH. XXXII. 1. *Si non redierunt*] For writers are not agreed on that point.

2. *Bonus auctor*] Comp. 26, 1. Polybius lived between the second and third Punic wars, which circumstance would give more value to his account of the events here referred to.——*In primis*] Comp. 31, 11.

6. *Parva pecunia*] For three minæ each, according to Polybius.

CH. XXXIII. 1. *Restat quarta pars*] Comp. I, 27, 1.

3. *Ab Aristippo Cyrenaici*] Comp. οἱ ἀπὸ Πλάτωνος, and similar Greek expressions. See Z. Gr. § 304.

4. *Cum his viris equisque .... decertandum est*] = *cum his decertandum est*, idque *viris equisque*, i. e. collectis viribus, summa vi.——*Si .... sententia est*] The phrase *sententia est* occurs with an object-clause in Auct. ad Her. III, 24, 40: *Pluribus verbis ad eam te hortari non est sententia.* B.

5. *Nam si ..... continetur*] Comp. Tusc. Disp. II, 6, 17: *Metrodorus quidem perfecte eum putat beatum, cui corpus bene constitutum sit, et exploratum, ita semper fore. Quis autem est iste, cui id exploratum possit esse.*

9. *Id spectandum est*] Z. Gr. § 748.——*Sed aqua hæret*] *The water is obstructed,* (as in an aqueduct,) that is, he is entangled in difficulties as he attempts to explain himself.

13. *Dicunt .... finiri*] Ubi dolor detractus sit, *finiri*, terminari voluptatem, neque *crescere* amplius, sed *variari*. Z.

14. *Expetantur*] *Nisi* and *si non* often introduce the subjunctive after an infinitive which depends on *non possum*. See Madvig, § 348, note 3; and § 369.

16. *Calliphonem et Dinomachum*] Two philosophers who attempted to unite the doctrines of the Stoic and Epicurean schools.

17. *Et malorum*] These words are probably interpolated, for Cicero always uses the plural *fines* when he introduces both genitives.

18. *De hoc alio loco*] i. e. in his treatise *de Finibus*.

23. *Patria revocasset*] Compare I, 1, 1, note.

24. *Ut spero*] The violent death of Cicero occurred about a year after this treatise was written, and before the fulfilment of the hope here expressed.

25. *Te quidem*] Z. Gr. § 278, and § 801.

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